INFORMATION LETTER

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N.C.A. Board Votes Return to Florida for 1962 Convention, Emphasizes Importance of Association Activity in Descriptive Labeling and Protective Screen

Labeling services by the N.C.A. and assistance to the canner in efforts to ensure that only uncontaminated foods are packed received principal emphasis at the spring meeting of the Board of Directors, Hotel Statler, Washington, May 19 and 20.

Meetings of the Consumer Service, Consumer and Trade Relations, Convention Program, and Raw Products Committees were held at N.C.A. headquarters on May 18; and the Administrative Council and Past Presidents also had sessions preceding the Board meetings. Various recommendations and reports from these groups were brought before the Board.

President Milan D. Smith presided over both Board sessions—the open session May 19 and the executive session May 20.

The proceedings started with a luncheon attended by Board, Council and Committee members, with guests from the allied industries and associations, the state and regional secretaries, and representatives of the trade press. Guest speaker at the luncheon was R. T. Compton, vice president of the Government Relations Division, National Association of Manufacturers, who discussed the Washington legislative and political scene.

Following Mr. Compton, Vice President John C. Hemingway, as Chairman, gave the report of the N.C.A. Legislative Committee (pages 164-165). The Board then heard The Labeling Story, as presented by various members of the staff (pages 166-179).

Official actions of the Board taken at the Friday executive session were:

Approval of a return to the Americana and nearby hotels in Bal Harbour, Miami Beach, for the 1962 Annual Convention, as recommended by the officers, during the third week in January.

Mr. Hemingway, Chairman of the Convention Program Committee, announced the following schedule of principal events for the 1961 Convention in Chicago, explaining that this format had found favor in Miami:

Board and Council, Sunday, Jan. 22

Annual Meeting, Monday, Jan. 23

Technical Conferences, Tuesday, Jan. 24 and Wednesday, Jan. 25

Old Guard Dinner, Sunday, Jan. 22

Young Guard Banquet, Monday, Jan. 23

C.M.&S.A. Dinner Dance, Tuesday, Jan. 24

Machinery Exhibit, noon Sunday, Jan. 22 through Wednesday, Jan. 25

Acceptance of the Financial Report by Chairman Norman Sorensen.

Approval of two recommendations presented by Chairman A. Edward Brown of the Administrative Council; (a) an actuarial resurvey of the Association's 16-year old Retirement Plan for employees; and (b) a membership program, involving use of Directors to recruit new members in their respective areas, with material prepared by the staff and Association's public relations counsel. Robert B. Heiney of the staff had outlined such a membership plan in a special report presented during the Executive Session and earlier to the Council (page 179).

Election of Morton Adams, Alton Canning Co., Inc., Alton, N. Y., and John Shafer, Hawaiian Pineapple Co., Ltd., San Jose, Calif., to the Executive Committee of the Board, following recommendations of a Nominating Committee chairmanned by Paul Benson.

Approval of a motion by Chairman Robert A. Simpson of the Labeling Committee that the N.C.A. Descriptive Labeling Program be promoted by an active educational program, and that the responsibility for carrying out the program be assigned to one individual; the program to include personal contact with people in industry or consumer groups interested in developments affecting the labeling of canned foods.

The Board session on Friday heard reports from Dr. C. H. Mahoney of the N.C.A. Raw Products Research Bureau; Dr. H. L. Stier of the Division of Statistics; and Dr. Ira I. Somers of the Research Laboratories, on various activities of the staff in the Protective Screen Program of ensuring the purity and wholesomeness of canned foods (pages 180-182).

At the conclusion of these reports, President Smith explained that because of the public's current interest in the safety of their foods, and chiefly to counter the recent sensational, scare-type publicity appearing in books and articles, the Consumer and Trade Relations staff had arranged a radio interview on this subject with Food and Drug Commissioner George P. Larrick. A tape of the interview was played. The substance of the text is the statement of how commercial foods are safeguarded, not solely by government, but by the canners themselves. The interview will be broadcast on nearly 300 radio stations which use the "Celebrity Talk" scripts.

H. Thomas Austern, chief counsel for the Association, reported on a recent Supreme Court decision.

The concluding item of the Friday program was a presentation, aided by color slides, tape recordings and exhibits, of a new school project undertaken in the C.&T.R. Program, which was introduced by J. B. Weix, Jr., Chairman of the Consumer and Trade Relations Committee.

Mr. Weix first expressed thanks to the Directors and others who have con-

tributed canned food samples to the *Modern Romances* contest. He reported that in a few situations some of the promised samples have not yet been sent to the packaging depots, and urged that these shortages be made up as quickly as possible.

Mr. Weix announced that the Committee wished to demonstrate some of the preliminary accomplishments of a new C.&T.R. project—the Curriculum Testing Program. Mrs. Jean Schoonover, of the Dudley-Anderson-Yutzy staff, and Saul Schur, their educational consultant, demonstrated the results they are obtaining in a curriculum pilot study now being conducted in the Mineola Public Schools, in efforts to get the canned foods story told in classes other than home economics. Success has been had in getting canned foods utilized in studies and special projects in history, English, geography, arithmetic, art, language and other classes, and Mrs. Schoonover explained that these findings will be incorporated in a Curriculum Guide to be distributed to other schools across the country (page 182).

Presentation of Scroll to Past President Norman Sorensen

By Milton E. Brooding, Member of Administrative Council

It is customary for the membership of the Association to honor the men who have served it in a leadership capacity. On this occasion we recognize our immediate Past President—our good friend—Norman Sorensen.

Norman, your congenial smile and friendly manner have always been refreshing and stimulating, whether in the business atmosphere of Association meetings or when sitting on a bench at the shuffle board court at Santa Barbara.

Your advice, counsel and leadership have contributed materially in all industry affairs engaged in by the Association.

We know that accepting the office of President of N.C.A. was a personal sacrifice on your part. But we hope the satisfaction of a "job well done," and the personal friendships and wide esteem that have come your way, may in some small way compensate.

It is my very great privilege, on behalf of these many friends of yours in the Association, to present to you today, this embossed scroll as a token of our esteem and respect, and in deep appreciation of the valuable service you have rendered to this industry.

The scroll reads as follows:

"PRESIDENT NORMAN SORENSEN

"To lead it during 1959 the National Canners Association was privileged to have from the pioneer canning State of Wisconsin a President endowed with quiet wisdom, possessed of vast experience in the industry, and abundantly talented in enlisting the willing cooperation of others. Born to a canning family, Norman Sorensen soon demonstrated outstanding capacity in business management and in devoted service to his state and national associations. As President of this Association he infused its every activity with enthusiasm and energy. Pre-eminently, he emphasized for the canning industry his own splendid creed of improved quality, and contributed greatly to the public reputation of canned foods. His insight into the problems of all canners, large and small, coupled with genial friendship, led to a notably better understanding among members of our industry. To Norman Sorensen this Association acknowledges its enduring gratitude."

Report of the Legislative Committee

By John C. Hemingway, Chairman, and 1960 Vice President of N.C.A.

Since the second session of the 86th Congress began in January, the N.C.A. Legislative Committee and the Association staff and counsel have been kept busy looking out for the interests of the canning industry. Although you may have read that Congress was inactive for quite a period of time because of the civil rights debate, we didn't see it that way. We never knew exactly when action would start, so we had to be on our toes and ready to move at any moment.

In preparation for whatever contingencies might develop, the Committee held a meeting at the Convention in January and another full-scale meeting at N.C.A. headquarters in March.

The Convention meeting was interesting and educational in two respects: first, we reviewed the legislation carried over from the first session of Congress; second, we listened to a discussion of the Florida label registration law and got an insight into the value to the industry as a whole of a state association taking an active interest in state legislation that would affect the entire industry. Incidentally, the application of the Florida law is being held in abeyance as a result of a study that the Florida Canners Association urged be undertaken.

At the March meeting, four major areas of legislation were discussed in considerable detail: federal marketing orders, color additives, wages and hours, and farm labor. During the first day of the meeting, committee members were briefed by the N.C.A. staff on the status and prospects of pending legislation, after which a general discussion was held on the Association's position and proposed courses of action on each subject. The Committee also heard luncheon remarks by John Heimburger, counsel of the House Agriculture Committee, who reviewed agricultural legislation, and by Don Callahan, of Dudley-Anderson-Yutzy, and Nelson Budd, of the N.C.A. staff, who described the activities undertaken in support of the sesquicentennial of the canning industry and asked for Legislative Committee assistance in getting Congressional publicity. I am happy to report that we were able to get their material published in the *Congressional Record* as they wished.

We also heard Matt Triggs, of the American Farm Bureau Federation's legislative staff, report on farm labor bills under consideration by Congress. Although we did not take any formal action on Mr. Triggs' request for assistance in obtaining passage of legislation to extend the Mexican farm labor supply act, I know that many members of the Committee individually are supporting the Farm Bureau effort.

On the morning of the second day of the meeting, Committee members visited their respective Congressmen to convey the industry's views on pending bills and to request their support. A final Committee session was held that afternoon to discuss the reactions of the Congressmen and to consider future courses of action.

Thus far during this session, N.C.A. has testified and filed a statement before one Congressional committee and has submitted statements on pending legislation to two other committees.

COLOR ADDITIVES

On February 10, H. E. Dunkelberger, Jr., of our general counsel's office, told the House Interstate and Foreign Commerce Committee that the

industry supports the enactment of a color additives bill similar in scope to the Food Additives Amendment of 1958. But, he added, the N.C.A. "believes that S. 2197 and H.R. 7624, as now drafted, go far beyond the announced objectives they are purportedly designed to attain. . . . They would broaden the licensing concept to many substances long recognized as safe for use, and concerning which no question of safety has been raised. And they would incorporate into a measure designed to assure public safety tests that have nothing to do with safety."

At the conclusion of the N.C.A. presentation, one member of the Congressional committee remarked that he "thought the statement was a very excellent one and has brought up some points that I think we have not yet considered."

On April 21, HEW Secretary Flemming filed a statement with the House committee in which he rejected practically all of the amendments suggested by industry witnesses, including those advocated by the N.C.A. Accordingly, the Association submitted a "rebuttal" statement to Chairman Oren Harris, on May 13, reiterating its position with respect to the pending legislation: i.e., that effective legislation must be specific and directed at the particular problem (in this instance, coal-tar colors); that prior licensing controls have been determined by Congress to be necessary only in the area of public health and safety and should not be incorporated into the entire regulatory structure, particularly on such questions as the functional utility of an ingredient or administrative *a priori* apprehensions about misbranding (the latter two areas are fully covered by the Federal Food, Drug, and Cosmetic Act and have been left by Congress to judicial determination).

Hearings on this subject were concluded last week. It is likely that a bill will be reported and passed before the end of the present session. It is also probable that the final House-Senate compromise version will contain an "anticancer" clause.

Federal Marketing Orders

On April 11, the N.C.A. filed a statement with the House Agriculture Committee in opposition to provisions of the Poage bill, H.R. 10355, which would have authorized federal marketing orders on fruits and vegetables for processing.

The statement enunciated the industry's historic opposition to mandatory marketing controls on canning crop production, as affirmed in numerous Association resolutions. There is no necessity, it was pointed out, for placing fruits and vegetables for canning, or the canned food products, under compulsory marketing order control authority. Congress has recognized this fact by rejecting such proposals eight times during the past two decades, the N.C.A. statement concluded.

A revised bill, H.R. 11769, was introduced on April 14 by Representative Poage, who stated on the floor of the House that the new proposal "does not contain any provisions extending marketing orders to canning crops nor to the basic commodities." After reviewing the text of the new bill, however, the Association felt obliged, on April 29, to file a statement with the Committee expressing the industry's concern over possible application of the bill's "National Commodity Stabilization Program" section to canning crops.

On May 18, the House Agriculture Committee approved the third version of the Poage bill, H.R. 12261. It deals only with wheat, feed grains, and the distribution of protein foods to the needy. Thus we seem to have no further problem with marketing orders this Congress. But I do not want you to feel entirely complacent. Senator Morse of Oregon and Congresswoman May of Washington are making the subject of federal marketing orders legislation an issue locally and three additional states, Wisconsin, Pennsylvania, and New Jersey, have under consideration proposals to make canning crops subject to state marketing order legislation. The N.C.A. staff and counsel are helping local groups in opposing these state proposals.

Farm Labor

As I mentioned, the Legislative Committee elected to avoid direct involvement in the Mexican farm labor bill. Likewise we have taken no position on proposals to require federal licensing of migrant crew leaders, establish a minimum wage for farm labor, and provide federal assistance for the housing and education of migrant farm workers and their children.

On May 12, the House Agriculture Committee voted to report a bill, H.R. 12176, which would extend P. L. 78, the Mexican farm labor program, for two years, until June 30, 1963. An important and controversial feature of the bill would clarify the intent of Congress that nothing in either P.L. 78 or in the Wagner-Peyser Act of 1933 "shall be construed to confer any authority upon the Secretary of Labor to regulate the wages, hours, perquisites, or other conditions of employment of domestic farm workers." The bill is expected to be reported to the House soon, with a dissenting report by Representative McGovern. It faces a stiff battle in the House, as well as a possible veto by the President which could not likely be overridden.

Wages and Hours

The greatest problem we have been facing this session has to do with the Kennedy-Roosevelt bills, S. 1046-H.R. 4488, to increase the minimum wage, broaden coverage, and—most important to us—eliminate or curtail the seasonal exemptions from overtime.

On May 11, the N.C.A. filed with the House Subcommittee on Labor Standards a statement opposing any attempts to curtail the overtime exemptions available to canners in sections 7(b)(3), 7(c), and 13(b)(4) of the Fair Labor Standards Act.

The statement, similar to that filed last year with the Senate Labor Subcommittee, pointed out that Congress had never intended to include seasonal industries under the overtime pay provisions of the Act, and that to do so would be unwise. "It goes without saying that canning operations can be carried on only when the raw product is available. Despite every effort that has been made by canners to mechanize their operations, no way has yet been found to account for and control the natural conditions that determine when fruits, vegetables, and fish will be available for processing."

Because of the uncertainties of nature, the statement added, plants must sometimes work around the clock, if the raw product is to be packed without waste or loss of quality. The removal of the canning exemptions, and the application of penalty overtime provisions to the canning industry, would have only adverse effects on every interested group, including employees, raw product suppliers, and consumers, the N.C.A. pointed out.

Hearings by the Landrum Subcommittee were scheduled to end this morning, and it is reported that an effort will be made to report a bill to the full Committee on Education and Labor by May 26.

Executive consideration of a wage-hour bill by the Senate Committee on Labor and Public Welfare is scheduled to resume on May 24 and is expected to continue until a bill is reported.

It is appropriate to restate here the number one principle that underlies N.C.A. activity in the legislative field. It is that the voice most listened to by a Senator or Congressman is that of his constituent. You would be surprised at the weight which our elected representatives give to your views, and how much they appreciate hearing from you on how you and the canning operations in their districts would be affected by legislation which is before them for consideration. There are canning plants in 49 of the 50 states. The canning industry is thus able to reach many members of Congress, and it would be very appropriate, while you are in Washington, to visit your Senators and Representatives and discuss with them how legislation now pending in Congress would affect the welfare of the folks back home. I would urge strongly that you make such calls at the Capitol.

The Labeling Story

INTRODUCTION

Labeling is not a new subject with N.C.A. The importance of labels in selling canned foods and the problems that have arisen in connection with labeling have served as a basis for canning industry discussions for many years. When dealing with today's problems it is important to know the history of the Association's activities with respect to labeling and the threats that have been made to the industry in the name of labeling. It is not necessary that one live through these experiences to know about them. It is fortunate that the N.C.A. had in the late Jay Fitzgerald a man who kept meticulous accounts of the Association's work. A study of these records provides the necessary means for us to re-live those experiences. It is appropriate, therefore, that this labeling seminar be introduced by an historical discussion.

The consumer judges the product by what she sees and reads on the label. Her assurance that the label statements will be truthful is for the most part based on the fact that the canner realizes he would lose consumer acceptance of his product if he attempted to deceive her. As a discouragement to that small percentage of canners who might be tempted to use misleading information there is the Food and Drug Act which contains very definite labeling requirements. A knowledge of the law is essential. Equally as important is an understanding of the manner in which the regulatory agencies administer the law. The job of keeping up with regulations at both the Federal and the State level is not easy, and next to impossible for the individual canner. Consequently the N.C.A. undertakes to service its membership in this field. A discussion of the Association's labeling program should not be undertaken until the legislation in this field is explored and the regulatory practices and the canner's problems arising therefrom are discussed.

It is said that the majority of foods are purchased by women. Certainly it is the housewife who makes the decisions with respect to the food she is to serve her family. The cliche so often repeated that the consumer is the canner's boss has a basis in fact. It is appropriate, therefore, that the views of the housewife be introduced at this point in the discussion. What information does she expect to find on the label? How does the label serve as a guide to her in buying?

The canner is well advised to listen to the housewife's opinion of what she would like to find on the label and her reasons why such information is valuable to her as a guide when selecting canned foods to feed her family. It frequently happens, however, that the nature of canned food production and marketing prohibits the canner from complying with the consumer's label demands in detail. Since it is most essential that there be a complete understanding between the canner and the consumer of his products, the canner should at this point be given an opportunity to explain why he has chosen the labeling methods he uses.

The adequacy of any N.C.A. service must stand the test of time. A periodic reappraisal is, therefore, essential. The Labeling Committee with whose advice and counsel the N.C.A. Labeling Program has been developed and is being administered, represents the membership in making these objective evaluations.

Origins and Development of the Descriptive Labeling Concept

By George E. Steele, Jr., Director, N.C.A. Fishery Products Division

Even in primitive barter some elementary concept of specification and standards was essential. As trading grew beyond barter for personal use and became more complex, geographically and otherwise, the need for standardized understandings between buyer and seller and their agents increased. Many present-day standards are no more formal than common trade practice. Some are incorporated in laws and regulations, local or national. Some have been internationally codified by formal agreements between governments.

It was inevitable that trade names and idioms should attach themselves to combinations of multiple characteristics, simply because it is more convenient to use one or two words than it is to repeat a list of specifications. It was natural also, both for raw products and for manufactured products, that these trade names would come to convey a concept of good, better, and best.

Even though commercial buying and selling has long been largely based on mutual knowledge of items of commerce, it was not until the principle of caveat emptor, or "buyer beware," was generally replaced by a more intelligent attitude toward the consumer that commerce or business attempted to give consumers specific information. The transition from simple bulk merchandise which could be examined and fairly well judged by the consumer, to complex goods in packages, emphasized the importance of consumer information, and pointed to the label as the obvious medium of supplying that information.

As the consumer information concept unfolded it was natural that business should assume that its own practices of standards, specifications and grades and its own terms and idioms could equally well be employed for consumer understanding.

The canned foods industry came of age after standards, specifications and grades of some kind or another were already in accepted usage in *many industries*.

Specifications of a sort for canned foods apparently grew quickly in trade use. The first use of grades in the canning industry and the story of their development may never be authoritatively related. Quality standards of some kind undoubtedly existed long before 1885 when the state legislature in Illinois passed an act making it unlawful to offer "preserved or canned fruits or vegetables" unless "such articles bear a mark to indicate the grade or quality." This law was retained in the Illinois statutes until repealed in 1949.

Almost parallel with growth and development of the specification, standard and label for canned food was the philosophy which some held and many no doubt still hold, namely that the canner cannot be trusted to voluntarily describe his product, and that the consumer is incapable of judging the quality of the canned food she buys. Among the major proponents of this philosophy are those who are convinced that the consumer is at the complete mercy of the ruthless packer except as the government may intervene to guard the consumer's rights. A second, equally fallacious tenet of this school of thought is that the government should assume for the consumer the burden of determining the quality of canned food. "The more government the better" philosophy had a profound influence on the growth and development of canned food labeling practices. In fact, it is still very much with us. The momentum that such dependence upon government received in NRA days has been steadily replenished in our postwar era, and unfortunately shows every sign of continued growth and prosperity in the future.

Many of the present-day proponents of government reforms in industry, including advocates of compulsory government-regulated grade labeling, would have us believe that industry has no interest in improving its products unless it is forced by government to do so. Some of the best refutation to such suppositious arguments is found in the early history of the National Canners Association.

Canners have recognized the need and advantages of reliable standards

and better labeling for many, many years. In fact, their interest in labeling and standardization procedures was recorded as long ago as 1905, even before the formation of the N.C.A. Several state canner associations had long before this date voluntarily formulated requirements for some form of quality grades.

The 1905 joint convention of the Atlantic and Western Associations was told by Dr. E. F. Ladd of the North Dakota Experiment Station: "The label must tell the whole truth, must give the true quality, the name of the manufacturer and jobber, and the locality where produced . . ."

In addition to recognizing the need for standards of purity and quality and advocating labels which would reflect "true quality," the pre-N.C.A. industry meetings devoted much time and effort to the drafting and promotion of a national pure food law.

Mr. James P. Olney, for example, in 1906 reported for a joint committee of the Atlantic and Western Associations a recommendation that a National Canners Association be formed, "one of the principal reasons for such an organization being to encourage a National Pure Food Law."

The original Food and Drugs Act was passed June 30, 1906, with strong canner support.

The first official N.C.A. Convention, in 1908, devoted most of its time to a discussion of the working of the new law, but standards and labeling were not overlooked. Official records indicate that canners discussed food standards, with what now seems great farsightedness, in terms looking toward present-day federal standards of identity and quality. Some spoke of fill of container, some of quality, some of purity. Some spoke of the need for scientific agreement as to which chemicals for "flavoring, coloring, and preserving" were harmful and which were not.

These early records of united industry thought and action show clearly that even in the beginning of the present century canner action preceded and was responsible for most of the regulatory laws designed to protect the consumer as well as the name and reputation of canned food. From that time to the present, no one, no group has been more interested in safeguarding the confidence of the consumer in canned foods than has the canner.

Every generation has its crusaders. Every cause has its advocates. Some are sincere and some are not. Many look upon the reform they promote as something that has been grossly neglected or overlooked in the past and they think of the particular approach which they choose to bring about such reforms as new and revolutionary.

This is no doubt the case with many who have in the past, and probably will in the future, look to compulsory grade labeling as the startlingly new and only workable approach to what they consider to be the grossly neglected interest of the consumer. It may be surprising to some of our present-day advocates of compulsory grade labeling, but history shows that a majority of leaders of the canning industry thought of grade labeling in just such terms for many years.

Dr. A. W. Bitting, then of the Agriculture Department, later chief bacteriologist of the N.C.A. Laboratory, reported to the 1910 N.C.A. Convention, in the first detailed discussion of quality standards we have been able to locate, that his Department had "queried all packers" by mail as to their opinion of the practicability of establishing grades and that 90 percent of the more than 200 who replied "favor standards in all lines." He reported that following comparisons of the standards adopted by different state associations and examination of more than 400 brands of canned food, the Department concluded:

". . . for practical purposes, there is no necessity for more than three grades. The description of the first grade should be based upon selected stock, of the second grade upon the field run or usual standard, and the third upon wholesome stock, but lacking in quality necessary to place it in either class."

Dr. Bitting concluded his presentation by discussing, for the first time, a numerical scoring system for the determination of grade, and advocating its use.

Following Dr. Bitting's proposals, Mr. W. O. Hoffecker, then chairman of the N.C.A. Committee on Tomato Standards, offered a resolution which was formally adopted by the Association, "endorsing the general plan outlined by Dr. Bitting," and urging Secretary of Agriculture Wilson to continue Dr. Bitting's work on mandatory grade labeling, "to the end that we shall ultimately and as speedily as possible have standards fixed for all canned foods."

Following this N.C.A. proposal to establish federal grades and make grade labeling mandatory, the Association undertook an industrywide effort to cooperate with the Department of Agriculture in the formulation of standards and grades for canned foods. Several industry commodity sections were organized to study and make recommendations for standards and grades for major canned packs. There was almost unanimous industry agreement that grade labeling was the ideal way to inform the consumer.

By 1916 various industry spokesmen were supporting one or another grading nomenclature system. Dr. Bitting, then of the N.C.A. staff, recommended "coming down to clean divisions of fancy, standard, and substandard." Mr. George W. Drake of Ohio introduced the idea of using "the letters A, B, C, D, E," in order to "give the most tangible idea to the average consumer of the quality" of canned foods. Mr. John R. Baines of Maryland suggested that grades should be designated as Extra Quality, Extra Standard Quality, Standard Quality, Near Standard Quality, and Second Quality.

When the 1923 Convention convened in Atlantic City the number of industry commodity sections had grown to 11. By then both the industry and the government had been intently pursuing the formulation of grade labeling standards for 13 years, with little or no tangible results or agreement.

It was on this occasion that Mr. W. G. Campbell, then Acting Chief of the Bureau of Chemistry, submitted for the first time some of the reservations which government apparently had with respect to the feasibility and practicality of a compulsory grade labeling program. Mr. Campbell, who was still to administer the federal food law for many years, told the canners:

"If it were possible to indicate in a precise way a clean-cut cleavage between those grades which at present are universally yet more or less vaguely conceived it would be practicable under the terms of the federal law to compel an appropriate observance of them in trade practice either through the promulgation of standards or by depending upon competent tradesmen to testify for the government in those cases which may have been developed for prosecution.

"The idea of promulgating standards for such products is one which the Bureau of Chemistry has had under consideration for some time. The difficulty of formulating in precise terms those expressions which define accurately different grades is responsible for the failure to have made greater progress in this matter than has been recorded . . .

"The value of a standard which serves as a basis for the enforcement of the law depends upon the extent to which it is capable of being precisely understood by the public and practicable of enforcement by administrative officials . . ."

Mr. Campbell's apprehension about the practicability of the considered grade standards was later reduced to a single question which government officials asked of every proposed standard, "Are the definitions precise enough to be enforceable?"

The apparent inability of anyone to answer this question satisfactorily with respect to any of the standards under consideration by 1925 would seem to mark the beginning of the decline of enthusiasm for grade labeling. History records that this lack of interest in grade labeling began first with government, and was followed reluctantly by industry. It was not easy to alter or discard the objectives of 15 years of work and study.

During the 1925 N.C.A. Convention, where for the first time in many years no mention of standards or labeling appeared in the Secretary's Report, the first formal compromise of the objectives of comprehensive grade labeling was suggested. Mr. Preston McKinney, secretary of the Canners League of California, reported that following consideration of the past unsuccessful efforts by industry and government:

"California canners believe law, federal or state, requiring the grade to be indicated on the label would be impractical for two reasons:

"First there are not enough men capable as inspectors to say just what is Fancy, what is Choice, at prices ordinarily paid to inspectors . . .

"Second, the product of every cannery would be put at the same dead level."

Then Mr. McKinney told of a compromise of the original grade labeling objectives:

"After long consideration, we have introduced a bill into the California legislature which we believe is practical and will protect the consumer. The bill provides for peaches, apricots, cherries and pears below standard grade the word 'Seconds' shall be embossed or lithographed in the top of the can in letters at least ¼ inch high."

In the May 26, 1928, issue of the N.C.A. Information Letter appeared the first indication of a new and growing feeling of many canners that grade labeling was impracticable and undesirable, and that differences of opinion had reached the stage of "controversy." By this time there was no question in the government's mind regarding the subject. Mr. W. G. Campbell, who had then been designated Director of Regulatory Work of the USDA, wrote in a letter to the N.C.A.:

"It is impossible to standardize flavor, which is a matter of individual opinion. It is wholly impractical to undertake the enforcement of a criminal statute under standards so indefinite no matter how valuable the use of such standards may be in the consummation of commercial transactions . . ."

In 1929, the N.C.A. Secretary's Report announced that:

"Food officials have long ago realized that, owing to the nature of the product, it would be impracticable to frame any enforceable legislation requiring the different grades on the label, but we are assured that it is both possible and practicable to define the difference between good and poor canned products . . ."

It was also revealed at the 1929 Convention that the counsel of the Association, under the direction of an Association committee, had prepared a bill which was later to be passed and known as the McNary-Mapes Amendment to the Food and Drug Act. This meant that the idea first formalized by the Canners League of California, in 1925, had been finally accepted as the compromise for grade labeling. Essentially it called for only one label designation, to be employed on substandard products, which although wholesome and nutritious, might deceive and disappoint the consumer. This "one division" between "good and poor canned products" was agreed to be the only line that could be consistently and objectively ascertainable. N.C.A. President E. B. Cosgrove, in 1930, summarized the industry's feelings on this point in this way:

". . . We believe that the American housewife is not only entitled to a label that tells nothing but the truth, but to a label that tells the whole truth, and we raise a question in our mind to any statement on a label, any statement in an advertisement that suggests a thought, that advances a claim that cannot be absolutely scientifically proven . . ."

The McNary-Mapes Amendment was passed on July 8, 1930. For all practical purposes this ended "round one" of the efforts to establish mandatory grade labeling for canned foods. For the sake of historical perspective let us observe again that in this first instance mandatory grade labeling was initiated and promoted by the canning industry for the sake, as Walter J. Sears declared in 1917, of "being absolutely honest about the goods in the can, and about what we say is in the can."

The first 25-year struggle over grade labeling had hardly subsided when from entirely new grounds a new grade labeling effort began to germinate.

The first new seed was a voluntary inspection and grading service for canned foods offered by the U. S. Bureau of Agricultural Economics, in 1932. Like so many new government services, at its inception the new inspection and grading service appeared to be helpful or at least not harmful. It enabled the "Secretary of Agriculture to investigate and certify to shippers and other interested parties the class, quality and/or condition of fruits and vegetables whether raw, dried, or canned . . ." This inspection and certification was available to canners only on request, and at its approximate cost, and such "certificates" had found wide usage as collateral and in supporting deliveries of fresh fruit and vegetables.

It took little more than a year for the new BAE voluntary inspection and grading service for commercial use to be seized upon as the perfect answer to the "consumer's needs." A new generation, with new advocates nurtured by a New Deal philosophy of government, were again offering mandatory grade labeling as the panacea for both consumer and industry needs.

In the words of E. E. Chase, ". . . The desire for an extension of authority seems to be inherent in governmental departments and bureaus . . . there is no question but they honestly believe that they can more successfully and efficiently guide and direct the course of industry than the industry itself."

The U. S. Department of Agriculture's Consumers Division put its expanding information and consumer education facilities behind the new campaign, this time a completely government-oriented and initiated plan for compulsory grade labeling. Publications of the USDA such as *The Consumer* carried banner stories with such thoughts as, "Grading standards as an avenue to lower sales costs are more and more recommending themselves to both consumer and retailer."

Agriculture had just begun its new grade labeling promotion program when the canning industry was faced with the New Deal alphabetical federal agencies. The June 15, 1933, Information Letter stated that the N.C.A. was preparing to act under the new Agricultural Adjustment Act and National Industrial Recovery Act.

With the new agencies came new instruments of federal control and responsibility. A most significant one for canners was the NRA master code for the food and grocery industry. Translated into realistic federal objectives, the new agencies and the new code sought, among other things, marketing agreements, new labor provisions, and a provision that would require the carrying of grades on all labels of canned foods.

The entire canning industry was immediately mobilized and alerted through the N.C.A. in an effort to chart the best course through the new and ever-changing industry "reforms" sought by proliferating federal agencies and departments.

On May 23, 1934, N.C.A. President Thorne issued a call for a special meeting of the Board and the Council and other bodies because "a controversial subject, namely grades on labels, is being pressed by NRA."

The NRA Code for the canning industry was approved May 30, 1934, by the President who at the same time issued an executive order making his final approval of the standards and labeling requirements of the Code subject to the receipt of recommendations of an industry committee to be appointed by the Administrator of NRA. This committee was given 90 days to make recommendations on the formulation of standards of quality for canned food.

It has been said, "Nothing so stirs man to good as the knowledge that on the 'morrow he may be hung." So it was with the last-ditch efforts of the industry committee to stem the federal tide of grade labeling.

Mr. Elmer Chase described the now monumental work of the committee in this way:

"The Committee was appointed, the personnel approved by the Administrator, and an intensive study of the problem began. The Committee realized that though over a long period of years desultory attempts had been made to work out a labeling program, it was confronted with the necessity of immediate action in an effort to develop a permanent and comprehensive plan which would give the consumer the ultimate in understanding and usable information . . .

"The decision was reached that the A, B, C, or any other system of vertical grading would fall short of giving the consumer the information she sought . . .

"The conclusion of the Committee was that the Department should continue to formulate standards under the McNary-Mapes Amendment and that a plan of descriptive labeling should be developed that would give the consumer as complete information on the label as was practical and enforceable."

This marked the birth of descriptive labeling, and the end of the second major effort to effect mandatory grade labeling on canned foods.

Mr. Frank Gerber, who had been active for over 20 years in the Association's labeling activities, and who was chairman of the Committee on Standards and Labeling, established by the President's executive order, described the new concept originating in his committee in this way:

". . . Descriptive labeling proposes that there be stated on the labels in terms that would most generally be used by consumers, terms descriptive of those quality factors which are susceptible of objective determination, plus statements with respect to such characteristics as are not quality factors, but which would be of interest to the consumer . . ."

Following the government's acceptance of the industry committee's recommendation of descriptive labeling as the most sound and practical solution to the perplexing label problem, the industry launched an intensive program to implement the newfound formula of descriptive labeling. The new approach was described in a resolution passed at the 1935 Convention as an "ideal system of labeling that is informative to the consumer, enforcible by the food authorities and practical from the industry standpoint."

In 1937, after working diligently on the new descriptive labeling program, Howard A. Orr, then chairman of the Labeling Committee, told the N.C.A. Convention delegates:

"I want to say to you frankly and with all the sincerity of which I am capable that after having had the benefit of these two years of study on this question, we stand here today able to more conscientiously and truthfully reaffirm that it is our deep conviction that the plan of descriptive labeling is the only plan which has been suggested to date which is fully protective to the interest of the consumer."

The canning industry immediately realized that the only way to secure the future of descriptive labeling with its manifold benefits to both the consumer and the industry was to translate the formula from the resolution stage into actual labels appearing on canned food in the market place.

The first step, of course, was to work with the various commodity sections in formulating detailed suggestions on how descriptive labeling could be used on every canned food. In August, 1940, *Labels for Canned Foods* was published. This bulletin "included all the essential information needed by canners in planning labels for their products." Then came the job, which is still under way, of promoting the acceptance and use of descriptive labeling by as many canners as possible.

With the canner approach under way, the next major implementation of the Descriptive Labeling Program was aimed at the real beneficiary of the new program—the consumer. First was a survey of consumer opinion to reflect as objectively as possible just what the housewife thought of canned food labels. The survey was completed in 1942 and over 18,000 copies were distributed to canners, brokers, distributors, educators, and news media. Following this a nationwide publicity program was launched, aimed not only at the consumer, but also the distributor, label manufacturer, and educator.

All of you are familiar with more recent sustained efforts of the Association and of the industry as a whole to improve the concept of descriptive labeling, and to obtain and hold the confidence of the consumer both in the label and the contents of the can. This was the real concern and objective of the first labeling plans, and certainly will continue to be uppermost in the mind of our industry in the future.

Labeling Regulation at State Level

By James W. Bell,
N.C.A. Washington Laboratory

Laws which may be considered as the forerunners of present state food codes date back to the latter part of the 1800's. In a few instances some of these early laws are still on the statute books. The basic legislation dealt with adulteration of foods with little thought of labeling since most foods were sold in bulk form. As more foods were purchased in containers, labeling became increasingly important.

For many years, as a new situation arose a new law was passed. This created a hodgepodge of laws that were overlapping and contradictory, to say the least. Sometimes it was difficult to be sure that all laws dealing with a product were even known, much less understood.

After passage of the 1906 Federal Food Act the states began to pattern their laws after it. There was no uniformity, however, since only parts were adopted by many of the states. The Federal Law was brought up to date by the adoption of the 1938 Food, Drug, and Cosmetic Act. In an attempt to achieve some uniformity among the states the Association of Food and Drug Officials of the U. S. drew up a uniform state bill which was to serve as a guide. One of the things clearly stated in Section 9 and Section 20 of this recommended bill is that all standards and regulations promulgated under the Act shall conform, insofar as practicable, to those under the Federal Law. This makes excellent reading but after a number of years uniformity has still not been achieved in many areas, and labeling is the most troublesome point. Only 30 of the 50 states have adopted the food part of the Uniform State Food, Drug, and Cosmetic Bill.

Why are problems handled so differently on state levels? In many states there is still a tendency to write a specific law for each problem that arises. For many local food and drug officials this is not a difficult task since they may be in constant contact with the legislative advisory committees. The practice of writing specific laws disrupts uniformity and generally brings about regression instead of progress.

Another way that state people create confusion is by regulations. The machinery for adoption of regulations in the majority of states is simple, and the boards may be only rubber stamps for the food and drug officer. Many a food and drug officer has only to convince his superior, who may be the State Health Officer or Commissioner of Agriculture, that a regulation is needed and the regulation is promulgated. The amount of formal consideration required may be very little, so that the official thinks lightly of signing a new regulation. This attitude is frightening when we stop to think that these regulations have the force and effect of law. Even the courts offer only partial protection from unreasonable regulations

issued under a vague statute. An adverse decision can quickly be negated by a new or more specific regulation. If the regulatory officer doesn't see this himself, the state attorney general can help him.

The uniform act states that before regulations are promulgated under certain sections of the law (one of these is Section 9, the standards-making section), appropriate notice shall be given. This does not necessarily give adequate advance knowledge, since a one- or two-line notice in a small daily paper may be all that is required. It is impossible to read all newspapers throughout the land. The only part of the misbranding section of the Uniform Bill that requires notice of intent to promulgate a regulation is paragraph 11 (j) dealing with special dietary foods.

The local food enforcement agency must deal with many more small, fly-by-night operators than the Federal Food and Drug Administration. Frequently laws, regulations, and administrative rulings are put into effect without consideration of the burden that it may place upon the legitimate food producer. Fruit drink labeling may be used as the example of this problem. Several state people are concerned over this situation because local dairies have been selling a misbranded product. In order to control these local dealers, stringent interpretations have been made.

State personnel are also confronted with direct pressures from both the consumer and the local food manufacturer. If a state begins work to control the sale of drinks by milk delivery men they will be asked why they are doing nothing with the canned products on the grocers' shelves. Some local politicians also feel that food laws can be used as trade barriers for the benefit of the area industries.

Non-uniform labeling requirements will continue to confront us as long as present conditions exist in the states. The man who reviews your label may have worked the day before on an illegal drug sale. Few, if any, of these people spend the time necessary to acquaint themselves with the background of a subject before making a decision that may mean many thousands of dollars to some packer. Specialization is almost unknown in local enforcement work.

Many food and drug problems dealt with are localized. It is difficult to imagine all the mistakes that could be made by one of my good friends in the Ozarks if he attempted to promulgate a regulation or push through a law dealing with fish products or citrus. In the main, he would know nothing of the packing and handling of the product. In all likelihood, he would know even less about what the consumer would expect from a certain label on one of these products. The same holds true of the Easterner who would attempt to regulate a product like sorghum from the South.

How may we hope to improve upon the conditions that presently exist in many of our states? Everyone should encourage adoption of a uniform food and drug law and regulation as a start. Obsolete and archaic statutes that may have been overlooked or forgotten through the years should be removed so that at least all the local people would be starting from the same point. With a uniform starting point more of the state people could be encouraged to consult with others before promulgating a standard or making an administrative ruling.

The N.C.A. has been of great benefit in furnishing the local food official with the Labeling Manual. This probably has kept more people from making interpretations that would have adversely affected the canning industry than we will ever know. We must continue to urge these officials to use the Manual as their guide.

Personal contact is another way in which we can attempt to improve existing non-uniform interpretations and decisions. Many of these local officials will discuss their problems with others. We must keep ourselves in a position where we will be available to them. Discussing problems before action has been taken is an easier way to solve them than trying to get changes made after decisions or regulations have been made public.

Some Legal Aspects of State Labeling Requirements

By H. Edward Dunkelberger, Jr.
Office of Counsel, N.C.A.

You have just heard from Jim Bell the reasons behind the lack of uniform labeling requirements at the State level. Mr. Campbell has asked me to carry this subject one step further, by outlining some of the difficulties that these varying state requirements can raise for canners, and by indicating what the N.C.A. can do and has done in working toward uniform labeling.

There are two basic objections to state labeling requirements that do not conform to those of the Federal Act: (1) The requirement itself may be objectionable, in that it requires wholly unnecessary information or unrealistic placement of label statements, or prohibits the use of statements that the packer regards as commercially desirable and which are permitted by the Federal Act; (2) Even though there may be no fundamental objection to the state labeling provision, the mere fact of varying requirements raises difficult problems of distribution. The imposition of non-uniform labeling requirements forces a manufacturer or distributor to choose one of three courses of action, all mutually undesirable.

He may change his labels to comply with the requirements of all states, and in effect make the requirements of each state govern the sale of his product throughout the country. This solution may be impossible when the labeling requirements actually conflict. Or if the labeling requirement is itself objectionable, in that it requires unrealistic labeling, the packer may be extremely reluctant to distribute the product in all states in accordance with the unfair requirement of one state.

A second possibility is the use of different labels in different states. This of course involves added expense and inconvenience for the packer. Inventories of the various labels or lithographed cans must be maintained. The problems of warehousing and distribution may become virtually insurmountable, and the packer may never be certain that labels are not finding their way into the wrong states. The exposure to regulatory action thus becomes significantly expanded.

A third course of action is to discontinue distribution of the product in those states that impose non-uniform label requirements. This loss of market is of course an unattractive alternative for the packer, but he may feel that the added expense and inconvenience in complying with the state's regulation do not justify further sales in that area.

In the face of these undesirable alternatives, it obviously becomes increasingly important to oppose at every opportunity state efforts to impose non-uniform label requirements. The Association's work in this area involves a number of different activities, designed to meet the needs of particular situations. In almost every case we have attempted to cooperate with and work through local canners and local associations in recognition of the fact that state legislators and regulatory officials may not appreciate intervention by out-of-state interests or a national trade association.

In discussing the various ways in which the Association attempts to meet state labeling problems, I think it might be helpful to do so in terms of a few of the particular incidents that have arisen within the past few years. Many of you may be familiar with what N.C.A. is doing in this area, but no recital of Association labeling activity would be complete without reference to some of these particular state labeling problems.

In almost every instance the Association has attempted to resolve state labeling problems by informal representations through correspondence and

conferences with the responsible state officials. Frequently the issue may turn on the interpretation of a law or regulation, and the official may be persuaded that his position unnecessarily conflicts with that adopted by the federal or other state governments.

A recent example of this type of activity has concerned the Pennsylvania Non-Alcoholic Drinks Act, and its application to canned fruit drinks. The state regulatory officials put through a regulation requiring the name of the actual packer to appear on the label in lieu of the name of the distributor. The regulations also provide that artificial flavor and color must be declared on the label more prominently than in the ingredient statement. When protests from canners failed to move the state officials, an informal hearing was requested, under the sponsorship of the Pennsylvania Canners Association, so that the Secretary of Agriculture could hear the industry's position. N.C.A. staff and counsel participated in that hearing, and again at a hearing before the State Board of Chemists, in an attempt to bring about a change in the regulations.

Although no final decision has been reached on the two issues in dispute, the state officials have agreed to reconsider their position in the light of the industry arguments presented at these hearings, and to take under consideration the possibility of changing the regulations.

Other states have attempted to bring enforcement pressure to bear on these canned fruit drink products, at least partially in response to demands by soft drink interests. Here again the Association has participated in conferences and hearings in an effort to convince the state authorities that drink products labeled in conformance with the Federal Act should not be held to be in violation of state laws. In some instances regulatory action has been delayed or indefinitely postponed, at least affording canners sufficient time to adjust to the state's demands.

If state authorities cannot be persuaded to adopt uniform interpretations of labeling laws, further steps may nevertheless be taken to bring about the desired result. New Jersey and Pennsylvania weights and measures officials decided over a year ago that their laws required that the word "net" appear in the quantity declaration statement on all food products. Conferences in both cases proved unsuccessful, and the state officials threatened enforcement action in spite of arguments by the Association and other industry representatives that the requirement served no conceivable useful purpose, and was in conflict with federal and other state laws. The only concession by the officials was that adequate time would be given to exhaust current stocks of labels.

In the hope that informal pressure could be brought to bear on both state agencies, N.C.A. took part in the ensuing 1959 National Conference on Weights and Measures, sponsored by the National Bureau of Standards. This Conference is designed primarily to encourage uniformity in state regulation of weights and measures, but it is strictly voluntary, and the federal government is virtually powerless to force uniformity upon the states. N.C.A. representatives presented the canning industry's position before the appropriate committee, which subsequently recommended to the Conference that state agencies not require the word "net" to appear on food product labels. This recommendation was adopted by a vote of the state officials attending the Conference, in spite of opposition by New Jersey and Pennsylvania.

To date there has been no formal retreat by either state from its original position, but to our knowledge no enforcement actions have been taken or threatened.

In a few cases it has been necessary to resort to litigation to resolve questions arising from non-uniform state labeling requirements. Two years ago I reported to you on a problem that arose in New Jersey concerning the labeling of certain canned meat products. Federal standards of identity had been promulgated by the Meat Inspection Division similar in purpose and form to the federal standards of identity under the Federal Food, Drug, and Cosmetic Act. These standards, like many other federal standards did not require the full listing of ingredients. The New Jersey officials brought action against a number of canned corned beef hash products on the ground that they violated the New Jersey Pure Food Act in that they did not list all of the ingredients contained in the product. In this instance our first knowledge of the problem arose because of the institution of the enforcement action by the state, and there was no opportunity for informal discussions. The canners affected immediately retained local counsel to defend against these state actions. N.C.A. and its counsel cooperated with the local lawyers of the canners by outlining in detail their views on the illegality of the state action.

Although it was not expected that the argument would convince the local magistrate before whom the action was initially brought, our fundamental objection to the New Jersey position was that products conforming to federal standards in all respects could not be held in violation of state law.

Once the magistrate understood that no question of safety was involved, that the products were in full compliance with the federal standards, and that the New Jersey requirements as applied to these standardized products were in conflict with the federal requirements, he dismissed the action against all of the canners. The magistrate's decision is of little use as a precedent in subsequent cases, but it is hoped that the New Jersey officials, at least, will hesitate to take any further action of this sort.

Occasionally there is little that can be done in the face of clear state statutory provisions that indirectly conflict with federal requirements, short of obtaining amendments to the statute. The political disadvantages of a national association in state affairs become doubly apparent in dealing with state legislatures, but N.C.A. has at times been able to assist local canners and state associations in attempting to obtain uniform legislation. With regard to labeling, this activity has primarily involved support of the Uniform State Food, Drug, and Cosmetic Bill.

Outside of work in particular states, N.C.A. has worked at the national level to obtain uniform state labeling requirements. At least one of the reasons behind the current N.C.A. petition for a federal standard of identity for nectars is the hope that it will preclude the imposition of non-uniform state labeling provisions on these products. In only a few instances have state authorities attempted to establish regulations that conflict with a federal standard. Any attempt to do so must be met with the doctrine of federal pre-emption, which derives from the Constitutional provision in Article VI to the effect the laws of the United States shall be the supreme law of the land, anything in the laws of any state to the contrary notwithstanding.

This federal pre-emption doctrine supports the supremacy of the Federal Food, Drug, and Cosmetic Act over state food laws, and acts as an invaluable check against non-uniform state labeling requirements. For a variety of reasons, having nothing to do with food laws, some members of Congress have proposed to restrict severely the federal pre-emption doctrine. Here again N.C.A. has taken an active role, proposing an exemption to the bill before Congress that would leave unaffected the supremacy of federal *food* laws over state food laws. It is extremely doubtful the bill will be enacted this session, but a close watch is nevertheless being maintained.

In conclusion, then, it is clear that there can be no one approach to the problem of non-uniform state labeling requirements. The Association must treat each problem in the way that the facts indicate is most appropriate. But whatever approach is taken, little can be done without the active cooperation of local canners and the state associations.

Descriptive Labels Answer Consumers' Questions

By Katherine R. Smith, Director,
N.C.A. Consumer Service Division

To say, or even to imply, to women that they have the same tastes, thoughts, ideas and attitudes would be far from true. The fairer sex thrives on and strives for individuality. And, the American woman is especially fortunate for she is given freedom of choice. If you don't believe it, observe the hats when a group of women appear at a luncheon.

And, as it is with hats, so it is with all wearing apparel, home furnishings, automobiles, and on, and on, and on. Because we are a nation of individuals we therefore can also safely say that we are going to rate the quality of our food in different ways. Let's take a look at some facts. I am referring to women because food store customers are still predominantly women. There are some men who shop for their families' food needs, but they are a minority. And, often as not, when they do shop they are well equipped with an itemized list stating the particulars.

Our shopper today has more formal education and experience than her grandmother or even her mother—and she is not easily fooled. She does much more individual food shopping, has learned to purchase by experience, and is much influenced by what she sees. Men who accompany wives to the grocery store know full well it is to be a time-consuming affair. The average is 27 minutes per supermarket trip, according to a recent Du Pont report. Why 27 minutes? Because Mrs. Consumer is a careful shopper.

Take, for example, meat. Have you stood by in a large self-service store and observed women selecting pre-cut and other meat? You will note that in most cases the shopper picks up a package, examines it, and more times than not she replaces it to pick up another and another until a final selection is made. Individual tastes differ, and the eyes of consumers will spot the specific qualities they are looking for. And so they look, compare, and look some more.

Now move along with our shopper and watch her at the raw vegetable and fruit counters. Again, she rarely takes the first bundle, bunch or basket. She looks, turns the food around, puts back, picks up, and may often pinch the produce. Our shopper is looking and evaluating according to her likes, needs and preferences.

Let's continue our shopping trip to the packaged foods shelves. Through experience the homemaker may know which brand she prefers and will quickly pick it up. But often we find her once again displaying discernment as she reads the information given on the packages until she is able to choose that product which best suits her needs.

What Women Want on Canned Food Labels

Women would like specific information on the label. Examples are the following questions received in letters, in conversations with food leaders of communities, from a brainstorming session conducted by the National Canners Association of food editors in New York City, and from a survey made by Mrs. Agnes R. Olmstead, Director of Home Economics for Colonial Stores. These women ask:

Q. Why can't the label have a picture of the food as it looks in the can (not as in the field), and another picture of the food as it looks when served at the table; both photographs in color?

A. To this we can reply that most photographs now used on labels are in color and show the product in canned form. Some labels also use photographs of the food, table-ready, but space is limited.

Q. Why can't all labels give recipes or serving suggestions?

A. Many labels include this help—it is recommended for descriptive labeling.

Q. Why don't canners put the nutritive values such as vitamins, minerals and also calories on the label?

A. Nature doesn't standardize her products either in the can or in the raw state. Nutrients vary from season to season and even within the same season. Information regarding nutritive values given in generalties is not permitted. The government requires precise statements on the label.

There are, however, reliable data published on the nutritive values of canned foods. These are shown as averages and are widely distributed.

Q. Why not put the content of the can or jar on the label in cups, or give the count for large fruits? Women understand cup measure better than any other designation of measure, and the fruit count for such use as salads is important.

A. This request is heard often. A survey by Nesbitt Associates, reported recently in the *Food Field Reporter*, pointed out that 38 of the women interviewed on packages and label information indicated that "can size" meant little to them. They suggest "cup measure" on labels. Such information is helpful and is often given on labels, but it isn't always as simple as it sounds. Cup measure works fine for liquids, but some foods such as certain vegetables fluff slightly on being emptied from the can and cannot be measured accurately. With such foods, cup measures can be given as "about" or "approximately" but doesn't sound quite as accurate as desired. The count of larger fruit is given by many canners.

Q. Since can sizes such as 300, 303 or the many No. 1, tall, flat, picnic cans mean nothing to our readers, can't you suggest terms more easily understood by women?

A. Women who ask this question are quite right. The weight or fluid measure is given on every label of canned food. The National Canners Association also uses terminology such as weight or fluid content to designate the size can or jar in its publications going to women.

Q. Why is there so much syrup on canned fruits? The label should give the amount of fruit and of syrup.

A. Such information could be given if helpful. A can or jar is filled with as many pieces of raw fruit as possible without crushing. Liquid is needed for uniform cooking, and to insure uniform sweetening the syrup must surround all of the pieces of fruit. Thus the syrup fills in between the fruit but does not replace it.

Q. Can the industry adopt a standard form for information in a panel and use the same terminology which is non-technical but readily understood?

A. The chief objectives of the descriptive labeling program are standardization of both descriptive terms and presentation on the label. The latter is limited by the fact that label space varies with size of container.

Other requests were that number of servings, variety, maturity and size of product be given on the label. And so the list of specific factors grows. The most important one to Mrs. Jones may not be the guiding one in Mrs. Brown's preference for a product.

A nationwide survey of a representative sampling of 7,500 women, conducted by Elmo Roper, reveals the fact that women want wide variety of information on the label. In fact, no one factor was chosen by as many as three-quarters of the women.

The Goal is to Define the Product

Since canned products cannot be examined by the eye, it is necessary to describe them so accurately that, in effect, the descriptive terms put a window in the can. To assist the consumer in arriving at decisive selections which suit the preferences of her family, all pertinent information for each product should be supplied. The National Canners Association has proposed descriptive labeling to do this. Of the program Robert Y. Kerr, Washington editor, *Fast Food* magazine, stated, "N.C.A.'s descriptive labeling project (is a) masterpiece of cooperative adjustment." The project, he said, is based upon an adjusted triangle; the interests of the processor, the legal power of Uncle Sam, and, most important the understanding of "Aunt Carrie" and her fellow household purchasing agents.

A recent release from the Extension Service at Rutgers University, New Brunswick, N. J., says, "In spite of the old saying, 'You can't judge a book by the cover', you can judge a food product by its cover, the label. A story is on the label. Let the information help you to choose foods for the use you have in mind."

Classifying canned foods into three grades, as has been proposed, deprives the consumer of an opportunity to make an intelligent appraisal of the product. In attempting to make a judgment for her by a summation of several factors, the consumer's specific preferences are ignored. For example, housewives in certain areas showing a preference for the flavor of nearly mature peas would find these marked down under grade symbols in favor of very young peas. How do you measure objectively the flavor of a food? The answer is that you can't, and taste itself is a reaction of the individual and varies from person to person.

Yet, according to the survey by Mrs. Agnes R. Olmstead, mentioned earlier, flavor was rated the most important quality factor. Dependence on descriptive terms, plus the reputation of the manufacturer, will assure the consumer that the quality will not vary so that each time she sees, for example, the word "ripe" on a can of fruit it conveys to her the maturity and, hence, a specific flavor on which she can depend.

An example of taste differences was shown in a survey of applesauce preference in New York. The purpose of the study was to determine those characteristics of canned applesauce which are of possible concern to consumers and to explore the need for a more exhaustive study of sauce preference.

Eight brands were selected for use in the experiment. (They were tested by the U.S. Department of Agriculture Processed Products Inspection Service using the U.S. standards for grades for applesauce. This grading system is based on five characteristics —color, flavor, consistency, texture, and defects. A maximum of 20 points is given for each characteristic. Based on the number of points achieved, a grade of A, B, C, or Substandard is assigned.) Of the eight brands, three were U.S. Grade A, two were Grade C, and three were Substandard.

Enumerators then called at randomly selected households throughout upstate New York. Each of 652 persons interviewed tasted two different brands. A total of 1,304 brand evaluations were obtained. (Labels had been removed.)

The consumers interviewed in this study showed a preference for Grade C applesauce. The majority of the reasons given for preferring a particular brand concerned flavor and taste. Little concern was shown defects, texture, or consistency except for extremes. Thus, this study would indicate that descriptive labeling would be a welcome and helpful guide to the consumer.

Consumers Show Increased Interest in Descriptive Labeling

Shopping in self-service stores places greater dependence on label information. Thus women are increasingly interested in label terms that describe the product.

The National Canners Association has for years distributed publications on labeling. The demand for the Consumer Service Division's leaflet *How the Descriptive Label Helps the Canned Foods Shopper* is a good example of the interest in the subject. This leaflet, written in laymen's language, was first issued in 1952 to fill the demand of foods teachers in schools. More than 6½ million copies have been distributed upon request. The largest number of requests are from foods classes in schools, but there are many requests from marketing and consumer education classes, womens' club leaders, extension specialists, and writers. The growing interest for information is shown by the fact that in 1952 less than a half-million copies were requested while last year (1959) 1¼ million copies were distributed.

Success is not measured by volume distribution alone. There is plenty of evidence to support the view that descriptive labeling is recognized by educators as an important aid in consumer buying. As reported by the National Education Association, consumers find that they can rely upon descriptive labeling of canned foods because:

1. The descriptive label is self-explanatory. Ordinary terms are used which a homemaker understands without further question. By contrast, although a grade label may be read more quickly, its interpretation depends on knowledge of what each grade means.

2. The descriptive label is more reliable. A descriptive label, with its separate specification on each variable factor and its objective base for each rating, gives a true, clear picture.

3. The descriptive label is more informative. The consumer who uses a label which gives point-by-point analysis is closer to the expert buyer who makes his evaluation point-by-point than is the buyer who sees only a summary rating.

4. The descriptive label avoids specious quality ranking. The descriptive label neither tries to dictate what our tastes shall be, nor does it try to make a more sweeping measure than can really be made.

Descriptive labels are more helpful than grade labels to the consumer because they tell him more, tell it to him in self-explanatory terms, tell only what can be told reliably and objectively, and let him use his own judgment and taste in coming to the final decision.

The Label—the Canner's Representative at the Grocery Shelf

By Dr. Ira I. Somers, Director, N.C.A. Research Laboratories

Selling the consumer in the modern supermarket with mass displays and self-service is a much different job than it was in the days of the general store when the friendly grocer stood at the housewife's elbow commenting on brands, reading the labels, offering advice, and urging decisions. This spot at her side is now vacant except as it is filled by the packer's own representative—the label. Gone especially is the running commentary of the grocer himself. Buying thus becomes largely impersonal, and if the label doesn't tell the story no one else will, since the canner rarely has an opportunity to describe his product to the consumer in person. Labels rightly used can be most versatile and effective salesmen.

With the ever-increasing number of items offered for sale in the supermarket, the responsibility of the label to be a true representative becomes increasingly important. A satisfied customer who will repeat on the purchase of the item is one who finds in the can exactly what she expected to be there when she bought it. Thus, if the label has been inaccurate in describing the contents, someone else is likely to get the next sale, since there are always plenty of choices. The deciding factors in many of these cases may be very small, yet, multiplied by the number of shoppers who rely on the label for guidance, these little differences could soon establish a pattern that would affect the future of the product.

The importance of the label as a salesman is further emphasized by the variable and discriminating tastes displayed by women today. An observation of the way most shoppers scrutinize every purchase indicates that they want to know what they are getting before spending the money. It is most logical to assume, therefore, that women will want to know everything possible about the canned food before making the purchase. As has been said many times before, the best way to do this is to let her "see inside" by making the label the "win-

dow of the can". This presents a real challenge to the packer and his labeling program.

A good label should give the needed information in simple, understandable, and easy-to-read language. It must be dependable and always say the same thing in the same way. Various brand labels for the same product must use uniform descriptive terms because without this the consumer is faced with the unnecessary burden of trying to unscramble the different words used by different canners, all intended to describe the same attributes. For example, the terms "Early Peas", "June Peas" and "Early June Peas" have all been used to identify the same product. This may be clear to some of the older housewives, but it probably is not clear to the new generation of shoppers who start their homemaking careers by walking past a row of labels in a food store perhaps as long as a city block, and are trying to select from the shelves the particular products best suited to the needs of their own families.

In recognition of these fundamental requisites of good labeling the National Canners Association advocates a program of standardized descriptive labeling. The purpose of this program is not to standardize consumers' tastes nor to control their preferences, but to facilitate the individual's free selection of canned food products in an intelligent way.

Under the N.C.A. descriptive labeling program, canners list on the label those characteristics genuinely important to the consumer, in words that are specific and are uniformly applied throughout the industry. The aim is to use terms readily understood by the ordinary person, and in legible type so arranged as to be easily seen and read. The labeling words or specifications are standardized, being either self-defined or tied to objective measurements. Such a program eliminates elasticity or confusion in the meaning of these terms to the housewife because under a program of industry-wide use they tend to assure her of uniformity, from purchase to purchase and label to label, as she buys to meet her own specifications. To make this program fully effective it is necessary that definitions be established for each labeling term, so stated as to permit their practical application in production and quality control. These terms for over 100 different canned foods are set forth in the N.C.A. manual *Modern Labels for Canned Foods*. This manual is maintained and expanded under the direction of the N.C.A. Labeling Committee, assisted in the technical phases of the program by the Labeling Advisory Subcommittee. The function of the latter is to investigate and develop suitable tests for measuring the characteristics defined by the descriptive terms.

The Labeling Manual is intended to serve as a guide for canners, label manufacturers, distributors who own labels, and others who may be interested in preparing labels. The Manual includes a section on the general legal requirements for labeling of canned foods. Also, by showing the canner the terms for each product which are required or permitted by the regulations of the Food and Drug Administration, it assists him in meeting these requirements on the label. To accomplish its broader purpose of promoting the use of fully informative labels, the Manual supplies information and recommendations on additional terms which may voluntarily be added to the label as a service to the consumer.

A complete label would furnish, in addition to quantity statements, full specifications of consumer-important factors which can be objectively measured. For example, in the case of tomatoes, the label might read:

Tomatoes Uniformly Red Whole	or	Tomatoes Mostly Red Mostly Whole

The color and the wholeness statements are voluntary additions to the label for consumer information. Only the name "Tomatoes" is mandatory. Another good example is peaches, which might be labeled in either of the following manners, depending on the variety, etc.:

Small Yellow Clingstone Peach Halves In Light Syrup May Vary in Ripeness	Large Yellow Freestone Peach Halves In Extra Heavy Syrup Ripe

The name "Peaches"; the type, "Yellow"; the variety, "Clingstone" and "Freestone"; the style, "Halves"; and the syrup statements, "In Extra Heavy Syrup" and "In Light Syrup" are mandatory. The size statements which cover both size and uniformity of size, and the ripeness statements designating stages of ripeness are additional "specifications" voluntarily added.

The N.C.A. Labeling Manual contains all of the principal objective tests available at the present time for determining in the laboratory or cannery whether the quality factor of a particular product falls within the range established by the standardized label term. To accomplish this job the Labeling Advisory Subcommittee meets several times a year with personnel of the N.C.A. Laboratories to plan future projects and discuss and evaluate results. One of these sessions is devoted to panel examination of products where the samples are judged organoleptically for the characteristic under consideration. It is necessary that there be a high correlation between the panel average for the samples and the objective tests made in the laboratory if the criteria based on such tests are to be recommended for use in the Manual. The traditional practice is to study a given product for a minimum of three years in order that seasonal variation may be taken into account and so that a sufficient number of samples may be examined. Samples of commercial packs from each of the producing areas are collected so as to be representative of the various varieties and growing conditions normally encountered.

Illustrative of the work on objective measurements is the recent study involving several years of research on the maturity of whole kernel corn, which was designed to define the Alcohol Insoluble Solids limits for the maturity classifications "Very Young", "Young", and "Nearly Mature". With standardized descriptions of this sort, the housewife knows that the words "Very Young" on the label mean *very young* and such a label declaration can be depended upon to give her what she wants.

A generalization of the value of descriptive labeling to the consumer has been made by the Grocery Manufacturers of America, Inc., as follows:

"Good descriptive labeling . . .

"1. Provides explicit and detailed descriptions of the product—all the information a label can give you for discriminating choice.

"2. Gives you the opportunity to select freely the product to fill your specific needs.

"3. Provides specific information so that when several qualities of a product are packed by the same manufacturer you can read for yourself how they differ and choose the one you want at any particular time.

"4. Provides qualities and characteristics right on the label; no need to memorize tables to buy intelligently.

"5. Provides information in simple, everyday language. No charts required for understanding.

"6. Eliminates questions and uncertainties.

"7. Is impartial and factual. Leaves the decision to you.

"8. Gives directions for use of the product.

"9. Suggests methods of handling and storing the product.

"10. Helps you shop intelligently to meet your family's taste and needs."

Some may ask, wouldn't this same goal be accomplished by grade labeling which in effect means that for every factor considered to determine quality there is assigned, arbitrarily, a given number of points in a total perfect score of 100. Each product is examined by an inspector who scores the factors on the basis of his personal judgment and the totals are added. If the score is 90-100, the product is called "Grade A"; if 75-89, "B"; or 64-74, "C", or whatever arbitrary scoring divisions are established.

The main difference between grade and descriptive labeling is in the method of conveying information about the product to the consumer. Under grade labeling the characteristics of several component properties are lumped together by an inspector into a symbol representing the grade, while with descriptive labeling these characteristics are stated separately on the label, enabling the purchaser to judge the product for herself.

This retains for her the rights of personal preference and individuality mentioned previously and lets her decide the factors on which she is going to rate the quality. These factors are most likely to vary from person to person. For example, some people prefer firm, less mature fruit while others want it "dead ripe". Again, with a product like peas some buyers will select those that are soft and succulent while others prefer the more mature ones. It is difficult to see how the shopper is given the necessary freedom of choice in such cases by buying foods enclosed in a package when the only identifying mark of quality is an "A", "B", or "C" grade placed on the package by someone who cannot know which factors of quality any individual consumer will consider important for the particular product. Such an impersonal grading system can only consider the views of the average woman based on arbitrary factors. Shooting for average usually leads to mediocrity.

Simple economics tells one packer that if he takes the extra precautions to keep his product consistently in the high end of the range he could not, under a grade labeling program, compete with his neighbor who packs to just get by. The incentive created by the discriminating buyer is a very important stimulus for canners in their efforts to constantly improve quality and develop new products. To curtail these would certainly be a move in the wrong direction because the canning industry, and in fact any industry, cannot stand still but must be constantly endeavoring to modify, improve, and enhance its products.

With many foods, for example green beans, variety is a major determining flavor factor and yet as long as the flavor is generally acceptable and typical for the product without off-flavors, any two bean varieties could end up with the same flavor score, according to the official USDA grades. If under such circumstances the shopper were relying only on the "grade" to tell her what is in the can she could be greatly disappointed if she got the wrong variety.

One of the big faults of the grade labeling system, in which a third party does the grading, is that differences in personal judgment on one factor alone may often be enough to change the grade from "A" to "B", or "B" to "C". Also the size of sample that can be taken by the grader in comparison to the canner's continuous quality control system is very small and may lead to faulty conclusions.

It has been suggested by some that when a third party grades a product he will be unbiased in his decisions as to what value should be given for certain quality factors, whereas the canner may not be. This is an unrealistic, hasty conclusion; a little reflection will show that canners cannot afford to try to fool their customers. If the packer has not been honest in his descriptive labeling, the consumer will soon let him know in a very positive way, namely, by changing brands. The canner has a tremendous stake in this whole matter, financially and otherwise, and cannot afford to do other than represent the facts as they are. There is no comparable penalty to a third party grader.

It is not so much a matter of being biased or unbiased as it is an honest ability to accomplish what the grader sets out to do. Many of the decisions made by the third party grader are subjective evaluations such, for example, as absence of defects. Because of the personal interpretation on such points there is always danger of making the evaluations relative to other samples being judged rather than to a permanent base line. This does not occur when descriptive labeling is used with terms that can be defined by objective rather than subjective tests so that housewives can do their own summing up. Subjective testing always leads to inconsistencies and lack of uniformity.

To avoid any misunderstanding it should be pointed out that canners favor, and have always strongly supported, the strict basic requirements of safety, purity, and wholesomeness set forth by the U. S. Food and Drug Administration. These, of course, are the base lines and as such do not play a part in the evaluation of quality above the minimum level, which is the area where likes or dislikes for a particular product are determined.

In conclusion, there is no question that where foods are concerned each housewife has her own ideas as to what constitutes quality and these may vary widely from woman to woman because their tastes differ. When she buys a can of food she does so with the intention of getting the quality she wants for the least money. The best way to guide her in this selection is to list on labels the various product characteristics, knowing that certain factors may be more important to one woman than to another, but with all of them listed a choice is possible.

By making the appeal to the housewife competitive, as is done with descriptive labeling, canners are constantly at work on the improvement of their products and there is a steady move forward. This is a normal by-product of competitive free enterprise which, it is felt, grade labeling would destroy by regulating all foods into categories to be priced accordingly. There would be little incentive under grade labeling for improving over one's neighbor. Instead, emphasis could change to the production of reasonably acceptable quality at the lowest price, and mediocrity would be a reality. Descriptive labeling, on the other hand, opens up the way for satisfaction of personal tastes and still leaves the housewife the right of individual choice.

What this adds up to is an opportunity for the canning industry to win the confidence and intelligent appreciation of the housewife by adhering to a uniform industrywide labeling program. The label can be the best salesman possible under these conditions. Such a system is set forth in the Labeling Manual, and the terms recommended there can well serve as the uniform code for canned food labels. All that is needed is to put it to use.

Labeling as a Topic in the Consumer and Trade Relations Program

By Nelson H. Budd, Director, N.C.A. Information Division

Descriptive labeling and its value to the consumer are treated frequently in materials which the Consumer and Trade Relations Program prepares on behalf of canned foods and the canning industry. The subject has been introduced regularly as a theme and a thread running through materials released to the many audiences the program reaches.

To review some highlights:

Generic Labels—At the very beginning of the C.&T.R. Program, our agency — Dudley-Anderson-Yutzy — collected from N.C.A. and the label manufacturers samples of generic labels which did a proper descriptive labeling job. These are made available to food editors whenever they need can labels for photographing.

The ABC's of Canned Foods—Basic editorial materials, which include a discussion of labeling, have been sent to the food editors of magazines, newspapers, radio and television stations, extension agents, college professors, cookbook authors and others. *The ABC's of Canned Foods* is such a reference work and was distributed to 850 key leaders in the food editorial world. "Labels tell a story" is one section in this book of background information about the industry. In

addition, the book contains individual background and statistical pages on 64 different product categories. Much of the material on these product pages was derived from the N.C.A. Labeling Manual and provides information identical to that for descriptive labels. *The ABC's of Canned Foods* is being revised at the present time and a new edition will be placed in the hands of food editors when completed. Food editors use the book as a reference when writing their columns. Thus, when they deal with the subject of labeling, our labeling story is the one used.

The Three Squares—A film about the canning industry called "The Three Squares" was made in cooperation with the U. S. Department of Agriculture. One sequence in the film shows close-ups of descriptive labels as recommended by N.C.A. and points out to viewers how important the label is. "The Three Squares," according to the latest tabulation, has been shown nearly 4,500 times to over 27 million viewers. This includes many TV showings where the film is welcomed as a public service program facility.

Newspaper Coverage—Labeling is a subject dealt with continually in publicity materials directed at food page editors of daily and weekly newspapers. There are many samples of such materials, significant among them a canned food clipsheet of basic food page articles which included discussion of labeling in the articles, "Can Labels Picture the Product Inside?", "A List of Common Container Sizes with Weights, Cupfuls and Products," and "Answers to Common Queries About Foods in Cans."

Labeling was an integral part of the canned foods presentation to the Newspaper Food Editors Conference in 1956 and the kit of materials given out to the 125 food editors of leading metropolitan newspapers.

Labeling was also discussed in materials distributed in 1957 to the consumer press, trade press and member canners as part of a press kit on the 50th anniversary of the National Canners Association.

Food features such as the one called "It's a Woman's World" have periodically told women that the label is their best guide to the product, the size, and the style wanted. This feature is circulated to 170 metropolitan dailies totaling nearly 20 million circulation.

And just this week, food editors of 1,500 newspapers, coast to coast, will receive two different labeling articles, both written in conjunction with the third "Red Letter Day" of the 150th anniversary year, the passage of the Federal Food and Drug Act in 1906.

Radio and Television—In addition to basic materials on the canning industry sent to editors, special materials have been distributed from time to time to broadcasters and telecasters, and our monitoring service for radio and TV has furnished us with examples of usage of label material. At the time of the 50th anniversary of N.C.A., radio-TV scripts including suggestions for label exhibits were provided to syndicated writers for Associated Press and United Press International reaching some 1,600 radio stations each.

Score Your Own Canned Foods Aptitude—Many of you will remember the quiz booklet produced last year for food editors of newspapers, magazines, radio and TV called *Score Your Own Canned Foods Aptitude*. This booklet has received much attention, and its information has been adapted for women's club programs and other groups. One of the quiz questions was "Do you take pride in your careful reading of the labels on cans?"

Brainstorm Session—One of the means of guiding the C.&T.R. Program on information wanted and opinions held about canned food labeling was a brainstorming session held on November 1, 1956. At this session 10 top food editors were invited to the D-A-Y offices to discuss the subject "What Can the Canning Industry Do to Make Labels More Valuable to Consumers?" Publications represented were *Good Housekeeping*, *McCall's*, *Ladies' Home Journal*, *Woman's Home Companion*, *Family Circle*, *Everywoman's*, *Seventeen*, *Parade*, *Redbook*, and General Features Syndicate. These editors spent an hour and a half discussing this subject and came up with a host of suggestions which were screened, analyzed and passed along to the Labeling Committee. Some of these were included in the report Miss Smith presented earlier on this program.

Magazine Coverage—The interest of the women's service publications and other service magazines in helping consumers read and use canned food labels properly has been demonstrated by articles from *Woman's Home Companion* back in 1954, *Parents'*, *Seventeen*, *Seventeen at School*, *Co-ed*, *Forecast for Home Economics*, and two from *Modern Romances*, one in 1958 and the other in the Canned Foods Cookbook article this spring. All of these, I think it safe to say, were inspired by the National Canners Association's work in forwarding the use of descriptive labeling, and of course these messages reached consumers in the millions.

N.C.A. Briefs—Labeling is often a subject of interest in materials produced for N.C.A. members, such as *N.C.A. Briefs*. The last issue, for example, included comments from the president of Red & White, a University of Maryland spokesman, and Charlotte Montgomery, woman's viewpoint writer of *Good Housekeeping*.

The Curriculum Testing Program—In a pilot project in the elementary school field to learn where and in what ways canned foods can best fit into the curriculum of grades one through seven, work was carried out during the past semester with teachers of the Mineola Public Schools in Mineola, Long Island. The project has encompassed many things, but one of the most important elements from the pupils' viewpoint has been the study of labels. In this project the *Canned Food Tables* and can size charts were used by the teacher as a stepping-off point for students to investigate labels and bring in labeled canned foods from home and report on what information they learned. The fifth grade class even created a kind of rummy game in which they mount the labels on cardboard and pass them out as in regular rummy. When a student collects the right cards to make a well-balanced meal, he announces his combination and the class decides whether he is correct or not.

This is not a complete listing of how extensively the C.&T.R. Program has dealt with labeling, by any means, but it does cover the major areas in which it has been included. Samples of the various items referred to are available for inspection.

Some Observations on the Federal Legal Requirements For Canned Food Labels

By H. Thomas Austern,
Chief Counsel, N.C.A.

As I listened to George Steele's splendid summary of the canning industry's adventures with government grading and mandatory collective grade labeling, I was reminded of Justice Holmes' observation that the life of the law has not been logic, but experience.

Those of us who participated, actively and energetically, in that NRA episode also cannot escape thinking that no brief historical account can ever vividly and dramatically recapture what happened, or realistically recall those sturdy men who refused to be stampeded.

Frank Gorrell from the very first perceived that no matter how loud the Blue Eagle screamed—or General Hugh Johnson exhorted or threatened—the straitjacket of an NRA Code ran counter to basic American ideas of free enterprise, and would never allow the canning industry to develop.

Howard Orr, Frank Gerber, Ed Trego, and Ward Cosgrove, each of them then a small canner, wisely fore-

saw that to collectivize the canner's performance into a single mandatory government grade was fundamentally wrong. They knew that the collective grade must represent the lowest common denominator of packing performance. They saw that it would be legally unenforceable if it included such important quality factors as flavor.

Basically, they concluded in the early thirties that this system would frustrate rather than encourage the production of better canned foods and their growing acceptance by the consumer.

As a good historian, George Steele has dealt only with origins and the development of these basic principles.

Time did not permit him to cover the two other great battles which N.C.A. fought for the canning industry in this continuing war between sound experience and fanciful theory as to how best a label can convey its message to the consumer.

The first was the effort between 1933 and 1938 to incorporate mandatory collective grade labeling into the Federal Food, Drug, and Cosmetic Act of 1938, the basic statute you operate under today.

The second was the administrative attempts between 1942 and 1943 to use the necessary wartime OPA price controls as the fulcrum for imposing compulsory collective grade labeling on the industry. Those efforts, mistakenly yet deliberately bannered as patriotic, were defeated largely by the farsighted help of Senator Taft and others in Congress to whom the industry appealed.

I have been asked to discuss the legal requirements under federal law for canned food labels.

I see no need to do so in detail. They are plainly and clearly set forth in the new N.C.A. Labeling Manual with which you will be supplied. Detailed discussion of this and that section would bore both of us and serve no useful purpose.

Moreover, in labeling, as in other legal areas, general principles do not always decide concrete questions.

Instead, I would like briefly to invite your attention to some of the more important principles underlying these detailed legal requirements, and to examine where FDA regulation of the food industry may be going.

There have been three explosive expansions of federal control of food manufacturing and labeling. Today we are in the midst of the third and greatest.

The first occurred in 1907 with the passage of the original Federal Food and Drug Law. That early statute introduced the two principles of *adulteration* and *misbranding*, the fundamental requirements that the food must be wholesome, and that its label must contain certain minimum information.

The 1907 law also first created the arsenal of enforcement. It provided for seizure of foods that did not comply with the law.

Far more important, it created the concept of strict criminal liability. That drastic rule, which is even today a rarity in criminal law, means that a man can be criminally convicted and punished for violation in the absence of any intent or even knowledge of the violation.

Under the 1907 Act the processor was responsible. If the government thought he was not complying, it had to prosecute. The legality of the rules and the fact of violation were ultimately determined by the federal courts.

The second explosive expansion occurred in 1938 with the passage of the present law. It vastly broadened both the areas of prohibited adulteration and misbranding. Licensing of the use of necessary poisonous substances was introduced in what turned out to be a fairly ineffective way. The presence of artificial coloring, flavoring, or any preservative had to be specifically stated on the label. All ingredients had to be included on the label unless the food was standardized.

On standardization, the McNary-Mapes law, sponsored by the canning industry in 1930 for canned foods alone, was expanded and extended to authorize standards of identity, minimum quality, and fill of container for all foods.

The 1938 law introduced the idea of *licensing*, both for all new drugs and under emergency conditions for insanitary food plants.

The 1938 law also first provided for factory inspection.

It also covered cosmetics in a fairly limited way.

Probably of most importance, the 1938 law was enacted at the high tide of New Deal legislation which provided for very broad *delegation* of power to administrative agencies. Authority was broadly given, and exemptions were made matters of administrative regulation.

Standardization in itself reflected a type of licensing. Freedom to pack any new form of a food already standardized required proceedings for amendment.

The third great explosive expansion of authority began in 1954 with the Miller Pesticide Act. This was followed by the Food Additives Amendment of 1958.

Both of these enactments embodied broad-scaled licensing and expansion of administrative authority. The same broad licensing is proposed in the pending Color Additive bill.

In this new expansion of authority, the basic ideas of regulation have vastly changed. Responsibility for compliance is no longer left to the processor subject to prosecution or seizure in the federal courts.

Instead, no one may act—use a new pesticide or a new food additive—without first getting a license.

This prior control was also sought to be extended to cover prior administrative determination of what may be used, not on public health grounds, but in terms of its "functional value."

The Food Additives Amendment also permits an ingredient to be barred on the basis of an administrative determination that its eventual labeling might turn out to be deceptive and misbranded.

Finally, the whole licensing operation is to a high degree insulated from effective judicial review by putting the fact finding function in the FDA and giving the federal courts only appellate review on a paper record.

Most of you know that this new legislation has ridden through Congress on the momentum of its being required to protect the public health.

With that concept no one would disagree. The real arguments involve provisions which somehow become hitchhikers on the now accepted proposition that protection of the public health does require the prior licensing of new food additives.

Lastly, there is the new technique of wholesale enforcement of administrative views by *publicity*. This is not new law, but a new use of the power given in 1938 to take to the air and to the press where there is "imminent danger to the public health."

How this new technique of enforcement by publicity can operate was vividly illustrated last year in the cranberry episode.

In the current explosive expansion of regulatory control, the battle is still being fought on the issue of functional value and of real need for governmental licensing beyond the requirements of public health protection.

But let us return to labeling and the impact of these expanding concepts of control on the labeling of canned foods.

No one can deny that there are side effects on labeling. In the midst of the cranberry argument, there were many proposals that every label ought to show the state of origin of the product.

Basically, the function of a label is to describe the product.

But the process can work in reverse. If there are labeling requirements expressed in standards or in collective compulsory government grades, compliance with the label requirements can in turn control what the product may be.

Let us therefore look briefly at two current illuminating controversies in this general area.

The first relates to standards of identity for foods. For several years there has been a considerable con-

troversy in the food industry about standards of identity.

There are many who argue that they have a deadening effect on the development of new food products because they are difficult to get amended once they have been formulated.

It is urged that the entire system ought to be changed to provide for every minimum standards of identity covering only required basic ingredients, and to permit the free addition of any optional ingredient provided its presence is declared on the label.

Before it was overtaken by the arguments about the Food Additives Amendment and the new Color bill, this was a raging controversy.

Fortunately, however, the canning industry has thus far stood apart from it.

Most basic canned foods and vegetables have been standardized. Many also have minimum standards of quality, and a number are also subject to standards of fill.

Possibly because of its greater experience and its acceptance of the fundamental concept of food standards, the canning industry and the N.C.A. have had rather less difficulty than elsewhere reported.

My own feeling is that standardization has worked far better on canned foods than elsewhere because of two other factors. The first has been that the industry through the Association has always done careful preliminary research which is respected by the FDA.

The other is that to achieve reasonable and workable standards, the industry has usually resolved its own differences.

During the past two or three years, however, there have been several instances in which this has not been possible. The Association has had to stand aside, and there has been the unhappy spectacle of a canning industry controversy on standards being publicly carried on in the *Federal Register* and the press.

On the other issue of compulsory collective grade labeling, the current Congressional investigation of the pharmaceutical drug industry offers an illuminating insight.

In astronomy, there is a technique of observation called the averted view. You do not look directly but sideways in the optical field, and in that way you get a better perspective on what you are viewing.

The arguments in the current Kefauver Committee drug investigation ought to interest canners, not because it is pleasant to view other people's troubles, but because of the insight it may afford into some of our own problems.

So-called ethical drugs are not sold directly to the consumers. Indeed, prescription drugs cannot lawfully be purchased without an order or prescription from the doctor. The only way a drug manufacturer may reach his market is through the doctors who prescribe the drugs.

Drugs are labeled both with what is called a generic name and also by a brand or trademark name.

Over the past several decades, physicians have come to prescribe by brand names, rather than by the generic name of the drug. They do so because they rely upon the trademark of a manufacturer to insure the safety, therapeutic effectiveness, and general quality of the drug.

As the Kefauver Committee has made clear, many of the drug companies have made large profits—indeed, by canning industry standards, phenomenally large profits.

On the other hand, drugs manufactured and sold under generic names instead of well-advertised brand names are considerably cheaper.

The issues in this investigation of the ethical drug industry are very complicated. They involve inquiry as to how much is needed for drug research, who should do it, whether the advertising to the doctors is too elaborate, and many other questions.

But from our point of view, the intriguing fact is that many drugs are fully standardized in the *United States Pharmacopoeia*. They are standardized under a generic name.

Consequently, some have urged that the law be changed to require doctors to prescribe by generic name, or to permit pharmacists to fill any prescription with any therapeutically equivalent drug under any reliable brand.

In opposition, it is being urged that the U.S.P. standards are not sufficiently comprehensive or precise, and that they do not take into consideration all important quality factors, or fully reflect the best type of manufacturing performance.

That has a familiar ring.

What has been made clear is that the FDA because of budget limitations simply does not and possibly cannot adequately police and enforce these U.S.P. standards. It is therefore urged that doctors ought not and cannot be made to rely simply upon the label statement "U.S.P." instead of upon the trademark name of the drug indicating who makes it and stands behind it.

That current drug controversy should interest canners.

Curiously, the arguments about precision and enforceability of the standards for vital drugs still exist, even though all new drugs are now fully *licensed* as to safety.

The drug controversy thus directly involves the use and possible control of brand names and advertising in an area where the public health is paramount.

It directly raises the question of how effective government enforcement of labeling requirements can be without vastly increased appropriations, personnel, and comprehensive factory inspection.

There are, of course, many important differences in the labeling of foods and of drugs. As I have suggested, the markets are necessarily and legally completely different.

Yet, as we go forward with our concerns on labeling, some of the basic problems now being considered in the pharmaceutical industry may afford cross-illumination. They are worth watching.

As you know, it has been the Association's policy over five decades to cooperate fully and closely with the FDA.

Recently, in Miami, that policy was reaffirmed. It is being effectively implemented in the Pesticide Control and Food Additive programs.

The Association policy is largely recognition that in this difficult area of growing complexity, voluntary industry programs of compliance are essential and can effectively be developed by industry action and cooperation.

Yet cooperation ought never, I suggest, mean compromise of basic principles.

One of these is the principle, developed over years of effort and hard experience, that it is not in the public interest to collectivize the individual canner's processing job in a single compulsory government grade designation that is incomplete and lacking in precision, unenforceable without a vast police force, and necessarily representing the lowest common denominator of performance down to which economic pressures may require everyone to pack.

That does not mean that grading systems may not be voluntarily employed by those who find them useful.

It does mean that every proposed extension of mandatory legal requirements in this area continues to need careful scrutiny.

Second, enforcement of administrative views by flamboyant publicity rather than normal enforcement procedures in courts likewise warrants resistance. Abuse in this area is not legally controllable, but rests with Congress.

No one objects to immediate publicity where there is imminent danger to the public health. But where there is not, responsible administration would seem to require that the ordinary enforcement procedures be pursued.

Lastly, the canning industry is firm in its view that there should be no expansion of *licensing* beyond the requirements of protecting the public health.

Only last week in writing to the Chairman of the Committee on Inter-

state Commerce and Foreign Commerce of the House of Representatives with respect to the unnecessarily broad scope of the proposed Color Licensing bill, Mr. Campbell stated that the Association's proposition was " * * * predicated upon its crystallized views that effective legislation must be specific and directed at the particular problem, in this instance coal tar coloring; that prior licensing controls have been determined by Congress to be necessary only in the area of public health and safety, and should not be incorporated into the entire regulatory structure, and particularly not on such questions as the functional utility of an ingredient or administrative *a priori* apprehensions about misbranding. The latter two areas are fully covered already by the Federal Food, Drug, and Cosmetic Act and left by Congress to judicial determination.

"These reasons underlie our basic approach to this proposed legislation —namely, that it be specifically limited to coal-tar colors and other identified toxic colors about which problems exist, and that no comprehensive licensing system be created for all food ingredients that might impart color, including, as does this bill, food ingredients whose safety is already covered by the Food Additives Amendment, and from which licensing system exemptions might be carved out only in the Secretary's discretion and only after burdensome administrative procedure."

In my own view, that issue of licensing—of prior restraint on individual conduct—is basic not only to economic but also to personal freedom.

It is not popular to fight the advance of licensing where those proposing it talk about public health. That is true even where the reach for licensing power is in reality not related to public health needs.

Where the issues are plainly economic, as in the arguments on the unwisdom of compulsory marketing orders, it is possible to be persuasive without becoming unpopular.

Where there are questions of public health or safety, Congress has, I think wisely, determined that the complexities of modern life require licensing controls. That is true not only on food additives, but also for automobile driving, the building of airlines, and the operation of an atomic power plant, to mention a few.

But beyond that point of public health protection, every citizen ought to be alert and resistant.

If he is not, it is possible that by 1980 we will be fully and unhappily licensed in every aspect of our business and personal lives.

Administrative permission may be necessary to engage in any kind of business, to get a job in any line, to travel, to take a vacation, to get married, and perhaps even to have children.

That may be highly efficient government—but for many it will not be an attractive society in which to live.

N.C.A. Membership Program

By R. B. Heiney,
Assistant to the Secretary

In his letter to the Board and Council of April 29, Mr. Campbell noted that the Budget Committee had suggested that a membership recruitment program be organized and presented for discussion at this Board meeting.

Carlos has given me this assignment of bringing the matter to your attention, because for some time I have expressed concern about the decline in the number of members of the Association. This has bothered me in our legislative work because when the Association goes before a Congressional committee it must qualify as the representative of the industry. Back in the war years we could tell a Senate or House Committee that N.C.A. had more than 1,000 members, 40 percent or more of the number of canners, and that they canned at least 75 percent of the annual volume. Today, we can report that our membership represents over 75 percent of the volume but we are not so sure that our 650 members are 40 percent of the total. The real difficulty is that members of Congress are interested in numbers and our N.C.A. membership lacks for numbers when compared with a short 20 years ago.

Currently, another very important reason has gained significance for getting a campaign under way to bring as many canners as possible into the membership. That is the need for giving special identity to the Protective Screen program—the program to assure each and every canner that the activities of his fellow canners and their raw product suppliers will not have an adverse effect on the entire industry. Many years ago the Claims Service took identity for a similar reason. Two years ago the Research Laboratories began new educational campaigns to eliminate any incidence of foreign substances. A plant sanitation educational program also is under way. These programs were followed by the retort examination surveys now going on.

All of these efforts are essential. They require full industry cooperation. But full support through N.C.A. membership is necessary for the Association to be able to speak to the public generally, and particularly to the legislative and executive branches of our government, as representing the industry.

Thus you who are members need your neighbors in the membership so that those of us who are directed to speak for the industry can announce that N.C.A. represents a really large and impressive percentage of the number of individual companies that make up the canning industry—and is thus the qualified spokesman for the industry.

Board Action

To meet this need for increased membership we suggest a continuing membership program under which Board members would become a committee of the whole for membership. The Executive Committee would act as a steering committee in the administration of membership campaigns and in the appointment of special subcommittees to work on special solicitations. A number of special efforts that Mr. Campbell has under way now would be continued as separate programs.

In suggesting that the Board become a membership committee, we are proposing that it be an active committee. And to start action you have been given a list of the non-members in your state or area. What we propose is that Board members representing the state and area groups constitute subcommittees that work as units in their own areas. Your work can either be (1) direct solicitation (we recognize that there are situations where you will not want to do this), or (2) to advise the N.C.A. staff on the best approach to make to your non-member neighbors.

N.C.A. Staff Action

We do not propose that you Board members take this job on without N.C.A. staff assistance. Therefore, with your approval, the responsibility for membership work will be delegated by Mr. Campbell to one member of the N.C.A. staff who will have authority to direct and correlate membership work of all N.C.A. departments. Not everyone is a salesman, but we feel sure that more membership selling can be carried on by the staff in the course of field trips than is now done if it is given constant direction and is made a part of a trip assignment.

Implementation

To further implement a continuing membership program we plan to study the programs of other associations, look into and evaluate the possibilities

of outside help, and revise and update the membership literature that we have issued in the past. There are four principal values, in our judgment, of N.C.A. membership. These are the claims work, the technical assistance given members and the industry by the research divisions, the educational and promotional activities, and representation before administrative agencies, Congress, and state and local governments. It is these functions that we believe should be talked about in selling N.C.A. membership.

We have a conviction that the most successful campaign will be one that is personalized and for that reason we emphasize the importance of your participation and that of N.C.A. staff.

There is another value in spreading the work of solicitation. It should reduce the cost. Although we do not have a firm budget figure to give you at this time, some of the cost items of a program can be outlined: (1) help in sales and promotion and in revising membership literature, (2) printing and mailing, (3) travel and meetings, and (4) personnel. For a thorough job, this could amount to a first-year expenditure of about $15,000, and a lesser amount in subsequent years. The breakdown of the first-year budget might assign about $5,000 for outside assistance, $2,000 for printing and mailing, $3,000 for travel and meetings, and $5,000 for personnel. We do not believe that membership work would take the full time of a staff man; but a program will involve substantial added time for whoever is given the job, and thus additional help will be necessary.

If this outline has your approval we will get work under way promptly. If the appropriation cannot be managed, we still will endeavor to manage a more intensive membership program than we have been carrying on. We assure you there is always a minimum amount of membership work being done and with your interest and encouragement, we can do more. But the best encouragement we can receive from the Board would be for the budget to include funds for a continuing membership campaign.

Report on the N.C.A. Protective Screen Program

By Dr. C. H. Mahoney, Director, Raw Products Research Bureau

An official list of Food and Drug tolerances on pesticides was mailed to all fruit and vegetable canners. (This mailing list contains the names of 950 processors.)

The Raw Products Research Bureau compiled a list of herbicides, nematocides, soil fumigants and growth regulators which was thoroughly edited by the Pesticide Division of the Agricultural Research Service of USDA. This compilation listed chemicals which had been registered for use on a non-residue basis as well as those having a tolerance. Prior to this time such a list had not been compiled by the Department of Agriculture. This was published in the Supplement to the INFORMATION LETTER of February 13 and was mailed to all fruit and vegetable processors.

In addition to mailing these lists of pesticides to processors, they were sent with a covering letter to the Dean of Agriculture in every state where canning crops are produced. The covering letter explained the reason for protecting the good name of processed foods and the importance of grower cooperation in this effort. The Dean of Agriculture in most of these states referred these lists to members of the Entomology and Horticulture Departments and we received numerous requests for additional supplements for Research and Extension personnel in these state institutions.

The Raw Products Research Bureau initiated a new publication entitled *Pesticide Newsletter*. The purpose of this newsletter was to cover any new tolerance releases by the Food and Drug Administration in the *Federal Register* or new registrations by the Pesticide Division of ARS. The first newsletter explained in detail how to utilize the two lists of pesticides which had been sent out, outlining the responsibility of the canner and the grower. As of May 18, 13 newsletters had been mailed to all fruit and vegetable processors, and these newsletters have been so popular that we have an additional mailing list of 180 who receive them, many of these being members of the Extension Service, Experiment Stations, farm organizations, chemical associations, and county agents.

President Milan Smith and Carlos Campbell described the N.C.A. program to Dr. Ferguson, Director of the Extension Service for the entire U. S. They showed Dr. Ferguson a copy of our INFORMATION LETTER Supplement and compilation of herbicides, nematocides, soil fumigants and growth regulators, and later that day he asked for 1,000 copies of this list in order to supply a copy to every Extension Director in the United States and also a copy for each Extension Entomologist and each Extension Horticulturist. The latter two were sent by Dr. Gibbs, in charge of Extension Horticulturists, and Dr. Jones (president of the Entomological Society), Head of Extension Entomologists.

Canners schools and special conferences on pesticides: Members of the Bureau attended canners schools and special conferences on pesticides in Michigan, New York, Ohio, Wisconsin, Maryland, Virginia, and the Tri-States, the Red Cherry Conference, and growers' meetings in Maryland and Ohio with County Agents and Extension personnel.

Special conferences with Experiment Station and Extension personnel of land-grant colleges: Generally these conferences included the Director of the Experiment Station, the Director of Extension, the head of Entomology, Horticulture, and Plant Pathology, and the County Agents leader. Such conferences were held at Cornell, the New York State Agricultural Experiment Station, Michigan State University, University of Wisconsin, Ohio State University, University of Maryland, University of Arkansas, Colorado State University, Texas A. & M. College, New Mexico, State University, and University of Arizona. The purpose of these conferences was to acquaint Research and Extension personnel, particularly in the southern and southwestern states, with the program and to point out to them the grower's responsibility in supplying non-contaminated raw products to processors not only in their own states but produce being shipped out of state for processing. The cooperation in most of these states was excellent and we are sure the program will be carried right to the grass roots level through the County Agents in these states.

On the southwestern tour, meetings were held with canners in Arkansas which included not only processors in that state but also processors from Oklahoma. At a similar meeting with processors in the Rio Grande Valley of Texas, all of the Research and Extension personnel at the Experiment Stations in the Valley and the County Agents and shippers were invited. A similar conference was held in El Paso for the processors in that area. The county agents in eastern New Mexico and western Texas attended this meeting as well as a number of the larger growers.

Research and Extension personnel and state officials in 17 states are now on our mailing list to receive all information on pesticides.

The Raw Products Research Bureau has answered by mail a large volume of correspondence pertaining to this program and also answered a great many telephone calls from processors or their technical staff on specific technical questions concerning the program.

Articles on the N.C.A. Protective Screen Program have been carried in *American Vegetable Grower*, *American Fruit Grower*, and the trade press.

Report on the N.C.A. Protective Screen Program

By Dr. H. L. Stier, Director, N.C.A. Division of Statistics

My assigned responsibilities in the N.C.A. "Protective Screen" program have involved contacts with farm organizations, development of sampling procedures, tabulation of data on chemical analyses of canned cranberries and transmission to the FDA, and assistance in developing canner quality control programs.

In carrying out these assigned responsibilities every opportunity was utilized to arrange conferences and meetings with representatives of the various farm organizations to inform them concerning the details of the N.C.A. program as well as our basic philosophy and approach to the problem. One of the most effective actions in this respect was an address before the Richmond Grange and Businessmen's Club in early February, 1960. Not only was there a large representation of the Grange and businessmen of the city, but 20 members of the Virginia State Legislature Agriculture Committee were present at the meeting. The formal part of the program was followed by an active discussion period lasting over 30 minutes. This question and answer session provided an excellent opportunity for amplifying and explaining in greater detail many of the important features of the N.C.A. program. A favorable press story was carried in a major daily newspaper concerning the meeting.

In order to clear canned cranberries that were in the channels of distribution, the Food and Drug Administration required separate analyses of samples from each location where any part of a lot was stored. The volume of samples and analyses required under this plan was prohibitively large. A modified sampling procedure (of the original procedure) which greatly reduced the number of assays without materially reducing the risk, was developed by the N.C.A. and proposed to FDA. The Deputy Commissioner of the Food and Drug Administration accepted the proposed modification and the procedure was outlined in detail in the INFORMATION LETTER of November 28, 1959, page 328. The N.C.A. offer to implement the new sampling plan was accepted by several cranberry canners.

In answer to inquiries from canners concerning the sampling procedure and the number of samples that should be taken in order to detect the presence of pesticide residues, a table was prepared showing the number of samples required to insure a given accuracy and risk. These sampling tables have been prepared for both sampling by variables as well as by attributes.

For the purpose of evaluating the scope and effectiveness of the program that had been undertaken by the industry to clear all processed lots of canned cranberries in the channels of distribution a comprehensive review and summary of all data was proposed in March, 1960. As the result of a meeting with FDA officials, cranberry canners, and the N.C.A., it was agreed that the N.C.A. should serve as a clearinghouse for the compilation of these data. Thousands of chemical analyses of canned cranberries were assembled and tabulated. These data were combined with production data for each lot and transmitted to the Food and Drug Administration. The N.C.A. served as a focal point for the assembly of this information and as liaison between the industry and the Food and Drug Administration. An excellent working relationship has been developed between the N.C.A. and the Food and Drug Administration to the mutual advantage of the industry and FDA.

In addition, advice and counsel have been given cranberry canners as well as other canners during the last five months concerning the type of statistical quality control program that should be established to provide adequate assurance of freedom from pesticide residues in canned products.

Report on the N.C.A. Protective Screen Program

By Dr. Ira I. Somers, Director, N.C.A. Research Laboratories

The responsibilities assigned to the Research Laboratories in the N.C.A. pesticide and additives protective screen program were explained in the Supplement to the INFORMATION LETTER of February 13. The report made here is an indication of the progress made to date in carrying out these assignments.

Analytical Methods: The development of adequate analytical methods for detecting the presence or absence of the various materials in the food product is one of the first problems confronting manufacturers and users of pesticides and additives. To best serve the industry these methods must be rapid, simple, and easy to apply with a minimum of cost. The laboratories' job was to make such methods available for use within our own laboratories and by industry. In some cases it has been merely a matter of communicating information already at hand, while with others it has involved modification and adaptation of existing methods.

To accomplish this objective, many different avenues of approach have been followed. Very close contact has been maintained with FDA and USDA scientists working in this field, both by phone and actual visits to their laboratories. There has been no difficulty in working with these agencies in an atmosphere of mutual respect. Also staff members have visited laboratories at universities, experiment stations, and industrial groups throughout the United States where residue methods are being studied and applied. In addition, contacts have been made with pesticide manufacturers who have furnished the N.C.A. with their latest analytical and pesticide information.

Work on the fly bioassay technique developed some years ago by N.C.A. has been reactivated in both the Washington and Berkeley Laboratories and studies are in progress to modify and improve the method based on recent industry experience. This bioassay method is particularly useful for general work on pesticide residues where specificity as to the material present is not of most urgent concern.

The Berkeley Laboratory is attempting also to adapt paper chromatographic methods to residue analyses, and the Washington Laboratory will be equipped with infrared spectroscopic equipment. These two methods hold great promise for shortening the time and increasing the accuracy and specificity of the analytical procedures. Also, the infrared method can serve as a reference for other tests.

As part of this program, the N.C.A. Laboratories served as one of the cosponsors of a symposium on instrumental methods held at Michigan State College March 24-26. Approximately 150 persons attended and from all reports this meeting was highly successful.

To help canners locate suitable testing laboratories several such organizations throughout the country were contacted as to their interest and qualifications to do such work.

Assistance to Industry on Methodology: Many requests from industry for assistance or advice on methods have been answered. In addition, arrangements were made on several occasions for canners' research people to visit FDA and USDA laboratories in Washington to see first-hand how the methods are applied. Several laboratories have started their own fly bioassay testing and the N.C.A. staff has assisted them not only in getting set up to use the method but also in obtaining standard fly colonies.

KEEPING INDUSTRY INFORMED

Both the spoken word and the printed page have been used to keep industry informed of problems and progress in the whole additives field. Two releases were distributed as supplements to the N.C.A. Laboratory publication *Research Information*. In addition, the one-page additives summary sheet has been requested and

widely distributed by state and regional canners associations. In all, over 2,000 copies have been sent out.

Talks on the additives problem have been given by the Laboratory staff at several regional canners association meetings and this subject has been covered as part of the Laboratory technical conferences in three states. The FDA "GRAS" lists (substances generally recognized as safe) have been distributed to the membership as Supplements to the INFORMATION LETTER.

Obtaining Information for Canners on Specific Problems: Many canners have come to the N.C.A. Laboratories for answers to their specific problems. Answers to these have been obtained from many sources, including direct contact with FDA and trade associations of the manufacturers of the materials in question. These contacts have proven to be very helpful because they have been not only a source of information but have served as a means of informing these agencies of the N.C.A. program, thus avoiding duplication in contacts with Food and Drug.

Service Samples: Not insignificant has been the number of service samples run for members on additives problems. While the laboratories try to avoid routine testing for anyone, occasions do arise when samples need to be tested and N.C.A. is a logical place to have this done.

Related Research: Work on product washing, sanitation, and other phases of the N.C.A. research program that relate to this whole problem of additives is continuing at full pace.

Report on C&TR Project on Teaching Canned Foods in Elementary Grades

By Mrs. Jean Schoonover and Saul Schur, D-A-Y

One of the objectives of the Consumer and Trade Relations Program is to build prestige for the canning industry and canned foods in whatever areas seem appropriate.

The elementary schools with their millions of pupils offer one area which has never been explored to any extent by N.C.A. The Association has a strong program in home economics classes, it is true, but we are aiming at a broader discussion of canned foods in classes in social studies, geography, arithmetic, English and so forth. We want to call the attention of boys and girls to canned foods as a daily staple and to the canning industry as perhaps the most important single supplier of foods for their tables.

We found in our research that textbooks currently carry almost no mention of canning and that canning has received very little attention among the American industries they study. Steel, pulp and paper and textiles have done much better in getting recognition.

We called on Saul Schur, D-A-Y's consultant on educational activities, to work with us and with curriculum experts to draft a pilot project about canning. Our objectives were to offer teachers ideas and materials for developing lesson projects which would help elementary school students recognize the role of canned foods, not for the future but as basic to their lives right now.

We wanted to teach them appreciation of canned foods, we wanted them to be aware of their quality and convenience, and to be aware of labels both as buying guides and as a protection to the buyer.

We wanted to try canned foods projects at various grade levels, to discover what kind of information would be most interesting at what age. We wanted to investigate what source materials were required. So we armed Saul Schur with a copy of *The Canning Industry* and a print of "The Three Squares" and we sent him out to reconnoiter. He landed in the Mineola, Long Island, public school system, and what has been going on there since is little short of spectacular.

But before I ask Saul Schur to tell you about it, I would like to say that this has been the pilot project from which a national program can be developed. We are working now with the Mineola teachers in publicizing the project in local newspapers and in the professional educational journals. In addition, we will prepare a guidebook for study and use by teachers all over the country on "How to Teach Canned Foods in Elementary Grades."

Our goal, as I said earlier, is to extend the influence and understanding of the canning industry to the millions of grade school students, boys and girls, who may never take home economics, but who will always be using and living with canned foods.

[Saul Schur then presented and explained a series of slides depicting the pilot program on teaching canned foods in the Mineola, L. I., elementary schools.]

USDA Develops Process for Canning Pink Grapefruit Juice

USDA scientists have developed a method for producing naturally colored, single-strength canned juice from red grapefruit. The process was developed by the Agricultural Research Service at its Southern Utilization Research and Development Division, and was announced May 18.

In the process, USDA said, some of the colorbearing pulp normally removed is finely ground and added back to the juice. The pulp-fortified juice does not develop the objectionable muddiness or browning characteristic of juice made from colored grapefruit by conventional methods. The product also has a higher pro-vitamin A content (carotene, a substance the human body can convert into vitamin A).

Limited taste preference tests in Texas showed no significant difference between the taste of colored and uncolored grapefruit juice. Blindfolded taste panels could detect no difference, but when the tasters were allowed to see the juice during the tests, most of them said the colored juice was sweeter.

Storage studies showed that pulp-fortified juice retains good color after one year at room temperature.

The ARS scientists recommend canning or freezing pulp from the richly colored early-season red grapefruit to add back to juice from poorly colored late-season fruit.

USDA said that an estimated 75 percent of grapefruit plantings in the Lower Rio Grande Valley of Texas are of the pink and red varieties, while Florida grapefruit production is mainly of the uncolored varieties.

New York State Food Research

A new Food Research Building, one of the most complete structures of its kind, providing outstanding modern facilities for the promotion of agricultural industry, was dedicated May 5-6 at Cornell University's New York State Agricultural Experiment Station at Geneva.

The $4 million facility has scientific research laboratories and pilot-plant equipment that will make possible full-scale food processing operations in a number of preservation methods. About half of all fruits and vegetables produced on New York State farms now go into processing, and the value of raw products used in canning is estimated at more than $100 million annually.

N.C.A. Home Economists Give Talks

Nancy Fox, editorial assistant in the N.C.A. Consumer Service Division, was speaker at the Montgomery Blair High School Future Homemakers of America Club in Silver Spring, Md., on May 11. Miss Fox told the group about the trends of the consumer today, how the trends specifically affect the buying habits of the consumer and how canned foods descriptive labeling is a helpmate to the consumer.

On May 12, Gloria Hansen, test kitchens home economist, did a demonstration on party snacks made with canned foods for the Lynnbrook Homemakers Club, Bethesda, Md. She stressed the convenience in preparation of the snacks by showing some of the N.C.A. test kitchen favorites.

Redbook

A 17-page Young Adult section, "A Vacation Planning Guide For Young Families," in the April issue of *Redbook* magazine includes a five-page article, "Plan to Have Picnics On the Road," featuring the use of canned foods. A total of 16 canned foods are used in the recipes and menus for Take-Along Suppers and Camper's Breakfasts.

The article begins, "It's both entertaining and profitable to do some cooking on a family trip . . . The stop makes a relaxing break for everyone, and doing your own cooking will reduce family meal costs considerably . . . It's best to take along a minimum of outdoor cooking equipment and a supply of nonperishable foods, and plan to have a variety of picnic meals."

Canned foods included in the article are fruits for salad, Spanish style rice, boned chicken, peas, stewed tomatoes, luncheon meat, macaroni and cheese, peach halves, ham, sweet potatoes, beets, deviled ham, applesauce, pineapple and grapefruit juice, chili con carne, and corned beef hash.

A *Redbook* magazine bonus feature in the May issue, "Timesaver Cookbook #3," features a wide variety of canned foods. A total of 73 canned foods are included in the recipes and menus.

The nine-page article begins, "This new collection of time-saving recipes, like the two before it, combines the best and newest of the convenience foods with creative cooking ideas. Use these recipes to produce in minutes meals that are delicious and within the budgets of young families. Each recipe takes no more than 12 minutes of *your time* to prepare."

Featured in the cookbook are recipes for appetizers, soups, hot breads and sandwiches, main dishes, vegetables and desserts. Canned foods are used in each section. Included are canned vegetables, soups, fish, sea food, meats, fruits, ready-prepared entrees, juices, specialties, and infant and junior foods.

Stocks of Canned Foods on May 1 and Season Shipments

(N.C.A. Division of Statistics)

	Carry-over month	Case basis	Supply 1958–59	Supply 1959–60	Canners' Stocks, May 1 1959	Canners' Stocks, May 1 1960	Season Shipments to May 1 1959	Season Shipments to May 1 1960
			(thousands of cases)					
Apples	Sept.	6/10	4,695	4,877	1,750	2,175	2,945	2,702
Applesauce	Sept.	actual	17,821	19,144	5,932	6,994	11,889	12,151
RSP cherries	July	actual	2,851	4,326	365	818	2,486	3,508
Pineapple*	June	actual	23,761	23,207	5,692	5,255	18,069	17,952
Pineapple juice*	June	actual	16,081	15,463	4,070	5,250	12,011	10,214
Beans, green and wax	July	actual	31,801	30,837	7,981	5,586	23,820	25,251
Beans, lima	Aug.	actual	3,399	3,562	1,065	888	2,334	2,675
Beets	July	actual	12,050	11,379	4,246	3,030	7,804	7,749
Carrots	July	actual	3,980	4,425	1,562	1,911	2,417	2,514
Corn	Aug.	actual	37,258	42,823	8,311	10,060	28,947	32,763
Peas	June	actual	41,605	38,670	12,367	8,364	29,238	30,306

* Source: Pineapple Growers Association of Hawaii.

Meat Canned in April

(Agricultural Marketing Service of USDA)

	3 Lbs. & over	Under 3 Lbs.	Total
	(thousands of pounds)		
Luncheon meat	12,262	11,564	23,826
Canned hams	23,142	350	23,492
Beef hash	329	5,276	5,605
Chili con carne	906	7,461	8,367
Vienna sausage	225	4,778	5,003
Frankfurters and wieners in brine	13	56	69
Deviled ham	.....	968	968
Other potted and deviled meat products	.....	2,437	2,437
Tamales	6	1,881	1,887
Sliced, dried beef	31	257	288
Chopped beef	1	659	660
Meat stew	168	10,741	10,909
Spaghetti meat products	417	9,541	9,958
Tongue (not pickled)	51	106	157
Vinegar pickled products	644	1,095	1,739
Sausage	.....	721	721
Hamburger	383	2,460	2,843
Soups	1,546	44,380	45,926
Sausage in oil	302	247	549
Tripe	23	450	473
Brains	.....	189	189
Loins and picnics	3,639	324	3,963
All other products 20% or more meat	362	6,896	7,258
All other products less than 20% meat (except soup)	719	20,908	21,627
Total	45,171	133,747	178,918

Columns do not add to totals shown in all cases since rounded figures are used. Amounts packed for defense are not included in these items. Total production, including quantities for defense agencies, was 185,104,000 pounds.

Volume Feeding Management

"Desserts . . . quick & easy," an article in the May issue of *Volume Feeding Management*, a well-known nationally distributed food service magazine for all types of institutions, includes canned foods in recipes and suggestions.

The article says, "There have never been as many made-for-you short cuts in the form of canned, frozen and ready sectioned fruits, prepared fruit pie fillings, mixes of all sorts, packaged cookies, ice cream."

"Easily prepared fruit combinations, such as chilled canned peaches and/or banana slices with almond custard sauce; warm spiced applesauce with a scoop of ice cream; and canned pear halves, with lemon sherbet and a dash of creme de menthe, appeal to customers looking for a light sweet ending to a hearty meal."

The article is attractively illustrated with black and white photographs, one of which was taken in the N.C.A. test kitchens. It shows canned fruits and berries topping slices of angel food cake.

The magazine goes to volume feeding specialists in restaurants, hotels, employee feeding facilities, hospitals, schools, colleges, clubs, caterers, and others in the institutional feeding field.

Poultry Used in Processing

(U. S. Department of Agriculture)

	Jan.-March 1959	Jan.-March 1960
	(thousands of pounds)	
Young chickens	11,875	15,972
Mature chickens	37,067	47,045
Turkeys	17,941	17,662
Other poultry	23	11
Total, Jan.-Mar.	66,906	80,690

FDA Publishes Proposal on Sweet Potatoes

The FDA published in the *Federal Register* of May 18 a petition proposing an amendment to the definition and standard of identity for canned sweet potatoes to permit the use of corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup as seasoning. Following is the text of the notice:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 51]

CANNED VEGETABLES; DEFINITIONS AND STANDARDS OF IDENTITY; QUALITY; AND FILL OF CONTAINER

CANNED SWEETPOTATOES; DEFINITION AND STANDARD OF IDENTITY

Notice is given that Corn Industries Research Foundation, Inc., 1001 Connecticut Avenue NW., Washington, D.C., on its own behalf and on behalf of its members, has filed a petition which proposes that the definition and standard of identity for canned vegetables other than those specifically regulated (21 CFR 51.990), which lists sugar and dextrose as permitted optional seasoning ingredients without designating them for label declaration, be amended so as to provide that corn sirup, dried corn sirup, glucose sirup, and dried glucose sirup may be used to season canned sweetpotatoes, in forms other than mashed. The petition makes no proposal for label declaration. It is proposed that §51.990(c) be amended by adding a new subparagraph (9), worded as follows:

§51.990 Canned vegetables other than those specifically regulated; identity; label statement of optional ingredients.

* * * * *

(c) * * *

(9) In the case of canned sweetpotatoes, in forms other than mashed, corn sirup, corn sirup solids, glucose sirup, and glucose sirup solids may be added in a quantity sufficient to season the food.

Pursuant to the provisions of the Federal Food, Drug, and Cosmetic Act (secs. 401, 701, 52 Stat. 1046, 1055, as amended 70 Stat. 919, 72 Stat. 948; 21 U.S.C. 341, 371) and in accordance with the authority delegated to the Commissioner of Food and Drugs by the Secretary of Health, Education, and Welfare (22 F.R. 1045, 23 F.R. 9500), all interested persons are invited to present their views in writing regarding the proposal published in this notice. Views and comments should be submitted in quintuplicate, addressed to the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D. C., prior to the thirtieth day following the date of publication of this notice in the *Federal Register*.

Dated: May 12, 1960.

[Seal] J. K. KIRK,
Assistant to the Commissioner of Food and Drugs.

Newest Poage Bill Has No Marketing Order Provisions

After 10 days of executive sessions the House Agriculture Committee has approved a new farm bill by Representative Poage (Texas), his third, titled the "Farm Surplus Reduction Act of 1960."

The newest Poage bill, H.R. 12261, is intended to take the place of the earlier "Family Farm Act of 1960" and does not contain any provisions relating to marketing orders or to the proposed "National Commodity Stabilization Program," except for feed grains.

H.R. 12261 has three major parts, dealing with wheat, feed grains, and the distribution of protein foods. The bill was introduced by Mr. Poage May 17 and reported by the House Agriculture Committee May 18.

As in the two farm bills previously sponsored by Mr. Poage, H.R. 12261 would direct the Secretary of Health, Education, and Welfare to "undertake a program to increase the amount of dairy, poultry, and meat products distributed to the needy, to institutions, and through the school lunch program." Such products would come from CCC stocks or would be purchased by the CCC. A requirement of this program is that "The Secretary shall obtain such assurance as he deems necessary that recipients will not diminish their normal expenditures for food by reason of such donations."

New FDA Bulletin on Microanalytical Methods

FDA has published a new technical bulletin describing the latest methods for microscope identification of contaminants in foods and drugs. The new bulletin is designed to help analysts trace adulterants to their sources.

The 11 chapters cover product control and sanitation; sources and types of contamination; isolation and detection of contamination; microscopes, photomicrography, and exhibits, fungi associated with food decomposition; entomology in food and drug analysis; parasites and related forms; rodent and other animal filth in foods and drugs; applied histology of food and drug materials; crystallography and chemical microscopy; and identification of drug tablets and capsules. The bulletin has 255 pages and is illustrated with 289 photographs and line drawings.

The new bulletin replaces and enlarges the earlier one published in 1944 as Food and Drug Circular No. 1.

Copies of the new bulletin, *Microscopic-Analytical Methods in Food and Drug Control*, Food and Drug Technical Bulletin No. 1, may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., for $2 each.

Forthcoming Meetings

June 5-6—Michigan Canners and Freezers Association, Spring Meeting, Park Place Hotel, Traverse City

June 12-16—National Association of Retail Grocers, Annual Convention, Dallas

June 13-15—Maine Canners' & Freezers' Association, Annual Convention, The Colony, Kennebunkport

June 15-18—Processed Apples Institute, 9th Annual Meeting, Greenbrier, White Sulphur Springs, W. Va.

June 20-21—Ohio Canners and Food Processors Association, Spring Meeting, Catawba Cliffs Beach Club, Catawba Cliffs

June 24—National Red Cherry Institute, Spring Meeting, Hotel Manger, Grand Rapids, Mich.

July 6-22—Indiana Canners Association, Technicians Schools, Purdue University, Lafayette

July 25-Aug. 5—New York State Canners and Freezers Association, Technicians School, Experiment Station, Geneva

Oct. 6-9—Florida Canners Association, 29th Annual Convention, Fontainebleau Hotel, Miami Beach

Oct. 19-21—National Pickle Packers Association, Annual Meeting, Edgewater Beach Hotel, Chicago

Nov. 3—Illinois Canners Association, Fall Meeting, LaSalle Hotel, Chicago

Nov. 4-5—Florida Vegetable Canners Association, 2d Annual Convention, Deauville Hotel, Miami Beach

Nov. 13-16—Georgia Canners Association, Annual Convention, General Oglethorpe Hotel, Savannah

Nov. 14-15—Wisconsin Canners Association, 56th Annual Convention, Schroeder Hotel, Milwaukee

Nov. 20-21—Pennsylvania Canners Association, 46th Annual Convention, Yorktowne Hotel, York

Nov. 21-22—Michigan Canners and Freezers Association, Fall Meeting, Pantlind Hotel, Grand Rapids

Nov. 28-29—Ohio Canners and Food Processors Association, 53d Annual Convention, Deshler-Hilton Hotel, Columbus

Nov. 28-Dec. 1—Vegetable Growers Association of America, Annual Convention, Schroeder Hotel, Milwaukee

Dec. 1-2—New York State Canners and Freezers Association, 75th Annual Meeting, Statler-Hilton Hotel, Buffalo

Dec. 5-6—Tri-State Packers Association, Annual Convention, Lord Baltimore Hotel, Baltimore

FTC Issues Staff Report on Study of Food Distribution

The Federal Trade Commission made public on May 22 its staff report on economic concentration and integration in the retail sale of food.

The report covers 338 pages and greatly expands the materials in the interim report issued by the FTC last year (see INFORMATION LETTER of July 18, 1959, page 242).

With issuance of the new report, the FTC completed the first phase of its "Economic Inquiry into Food Marketing," which was launched in October of 1958, after the Commission had received many complaints concerning the development of concentration of power and unfair methods of competition in the food industry.

The FTC's Bureau of Economics, which prepared the report, pointed out that the report is almost purely statistical in content, and draws no deductions as to the causes, impact or consequences of current trends in the food industry. Neither does it explore whether violations of law were involved, or whether any particular public policies or actions are required to cope with the current trends.

Earl W. Kintner, FTC Chairman, said that in the next phase of the study the Commission will investigate purchasing patterns of chains and wholesalers and their relationships with suppliers. He added that "where adverse economic impact, unfair or illegal trade practices, unwarranted discrimination, or other evidence of abuse of free competition are discovered, remedial steps will be recommended."

The staff report cites the "higher degree of processing by food manufacturers, which has materially lightened the work of the housewife," first in a list of the important changes in food distribution since the period covered by the FTC's chain store reports of 1931-34.

The other important changes in food distribution were listed as "(2) improvements in food handling, packaging, preserving, transportation, storage, and distribution methods generally; (3) a continuing shift from separate meat, produce, and grocery stores to one-stop food stores; (4) replacement of smaller stores by supermarkets, expansion in size, equipment, and number of items carried by supermarkets, and location of markets in new shopping centers; (5) greater gains by food chains and organized groups of independent retailers than by unaffiliated stores; and (6) the spread of self-service throughout food retailing."

In short, it was stated, "food retailing has been in process of transformation from a family business to a large-volume operation which can properly be called 'big business.'"

The report summarizes the number of food distributing firms, according to their character, and their shares of total national food sales in various years. The data are based on information obtained by questionnaires mailed in January, 1959, to more than 1,000 business organizations engaged in food distribution.

In 1958, the FTC reported, 63 food chains operated food manufacturing establishments, compared with 52 chains in 1954. The number of manufacturing establishments operated by chains (with 11 or more stores) was 299 in 1954 and 340 in 1958. Bread, coffee, dairy products, meat, and canned and frozen foods were the principal items of chain manufacture, comprising about 90 percent of the total. The following table summarizes canning, preserving and freezing operations of corporate retail food chains for 1954 and 1958:

	1954	1958
	(number)	
Chains reporting	6	8
Establishments	16	18
	(millions of dollars)	
Shipments, total	77.0	99.1
To own stores	....	88.1
To others	....	11.0

Voluntary wholesalers and retailer-owned cooperatives also engaged in some food manufacturing, the study shows. However, their shipments were valued at only $43 million and $13 million, respectively, in 1958, compared with $1,295 million for the chains.

Copies of the report, *Economic Inquiry into Food Marketing*, Part I, may be obtained from the Superintendent of Documents, Government Printing Office, Washington 25, D. C., for $1.25 each.

The telephone number of the National Canners Association's headquarters in Washington, D. C., has been changed to

FEderal 8-2030

For Direct Distance Dialing (station to station only) the number is

202 FE 8-2030

White House Issues Scientists' Report on Chemicals in Foods

The White House made public on May 14 the report of a study by a special group of scientists on the use and regulation of chemicals in foods.

The study was undertaken at the direction of the President, following the cranberry episode last November. It was made by a special Panel on Food additives, under the chairmanship of Dr. Detlev W. Bronk, president of the National Academy of Sciences.

Their report reviews the scientific issues and problems in administration of the Food Additives Amendment in relation to public policy. It suggests areas of research and, according to the White House, "also recommends improved administrative procedures."

Findings of the study group have been approved by the President's Special Assistant for Science and Technology, Dr. George B. Kistiakowsky, and have been concurred in by the Departments of Agriculture and Health, Education, and Welfare.

Noting that the FDA has an area of administrative discretion under the Food Additives Amendment in determining the safety of food additives under conditions of proposed use, the report reviews the scientific issues involved in identifying a substance that would probably cause cancer in either man or animal, and in determining the dosage level at which a particular carcinogen probably would cause cancer.

With respect to dosage levels, the report states, in part:

"A literal interpretation of the Section [the anticancer provision of the Food Additives Amendment] must lead to the prohibition of such a substance even though present in trace amounts. Since new substances will be evaluated by animal tests, in practice the prohibition is based on the assumption that a substance which increases the incidence of cancer when included in the diet of animals at any dose level may increase the incidence of cancer when included in the diet of man even when present in amounts detectable only by the most sensitive analytical techniques. For a number of carcinogens that have been studied, however, there is evidence for the existence of a level of ingestion at which no carcinogenesis occurs during the life of the animals when tested in limited numbers. Also, dose-response curves for certain potent carcinogens in animals have been worked out from which can be reli-

ably predicted the probability of an individual, in a given sized population, developing a tumor from a given dose of carcinogen. Such curves lead to the conclusion that dietary levels of carcinogenic agents exist at which the possibility of cancer induction in animals is near zero."

In its conclusions and recommendations, the report states that the FDA, in administering the anticancer provision, "must employ the 'rule of reason' based on scientific judgment in order to carry out the intent of the Congress to protect the public from the possibility of increasing cancer risks through the diet."

The scientists recommended that the Food and Drug Act be amended, if necessary, in order to enable FDA to exercise discretion in determining the safety of food additives under conditions of proposed use.

The scientists recommended that the Secretary of Health, Education, and Welfare appoint an advisory board, composed of scientists from outside the government as well as in the government, to assist in the evaluation of scientific evidence with respect to the proposed use of compounds which are possibly carcinogenic.

Also, the report recommended more emphasis on studies on dosage levels at which cancer might be induced in test animals but cautioned that such data may not be extrapolated to man. The report also recommended further study of the effects of chemical compounds used in the course of medical treatment and of environmental factors which might appear to be related to cancer.

A concluding recommendation was that "research be expanded also by the Department of Agriculture, by the state agricultural experiment stations, and by industry to discover additional safe and effective materials for the production and processing of foods."

Members of the Panel on Food Additives were:

Dr. Detlev W. Bronk, president of the Rockefeller Institute and president of the National Academy of Sciences, chairman; Dr. Robert F. Loeb, Bard Professor of Medicine, Columbia University, vice chairman;

Dr. Edwin B. Astwood, Tufts University School of Medicine; Dr. Alfred Gellhorn, director of the Institute of Cancer Research, Columbia University; Dr. J. George Harrar, vice president of The Rockefeller Foundation; Dr. Harold C. Hodge, professor of pharmacology and toxicology, University of Rochester;

Dr. James G. Horsfall, director of the Connecticut Agricultural Experiment Station; Dr. C. N. Hugh Long, professor of physiology, Yale University; and Dr. C. Chester Stock, scientific director of the Sloan-Kettering Institute for Cancer Research.

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